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THE NEW REPUBLIC

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BOX POPULI

Television in the Age of Bush

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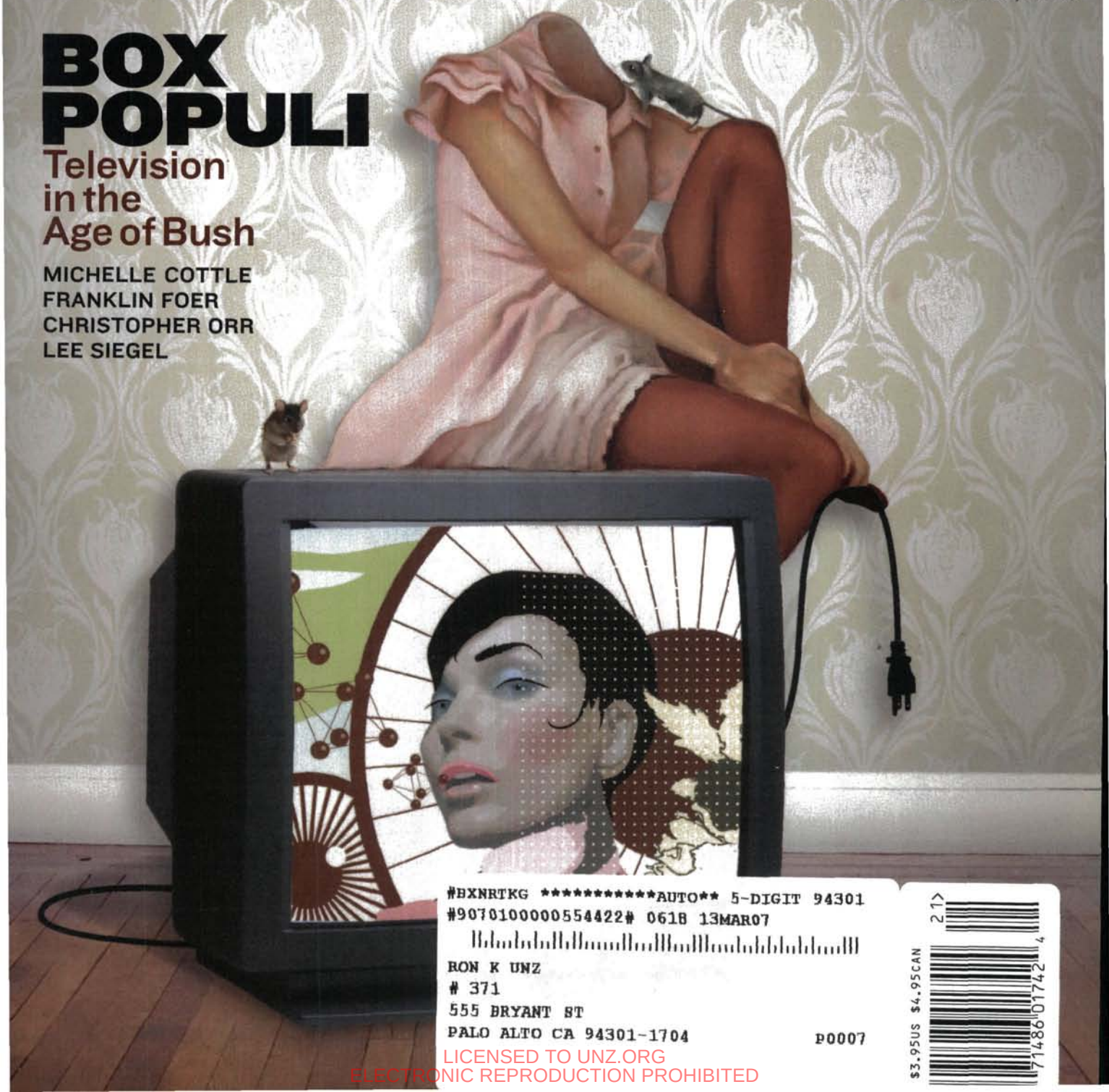

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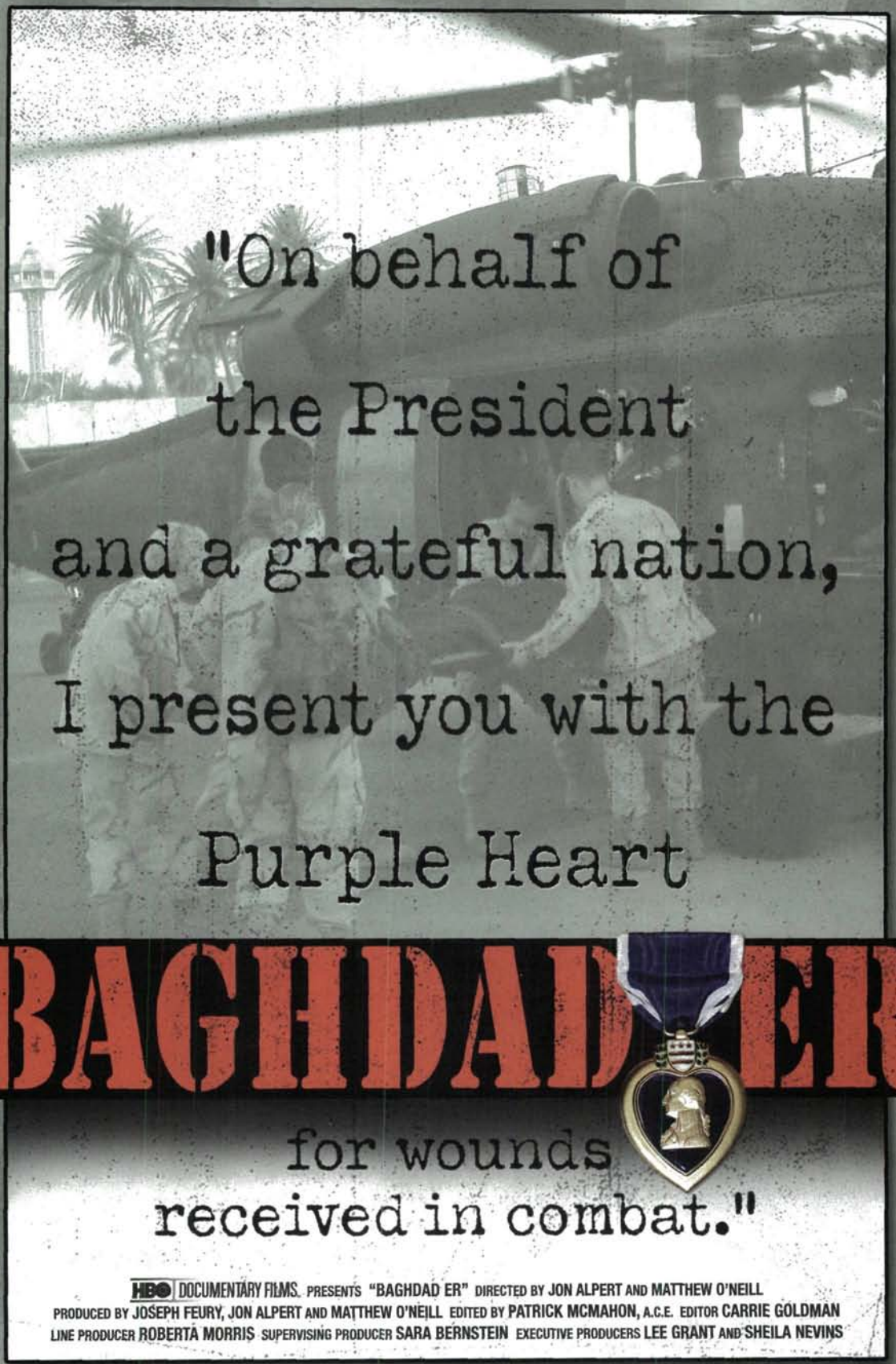
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THE NEW REPUBLIC
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UNFIT TO PRINT

I WONDER WHY MICHELLE COTTLE stops with "Thursday Styles" ("The Gray Lady Wears Prada," April 17). The entire *New York Times* is now a style section, with sports, business, arts, news, and opinion all designed to appeal to the preexisting prejudices of its target audience. In the interest of truth in advertising, the little box that says ALL THE NEWS THAT'S FIT TO PRINT should instead read CURRENTLY FASHIONABLE NOTIONS OF THE AFFLUENT AND ANXIOUS.

MICHAEL H. O'NEAL
Oak Park, Illinois

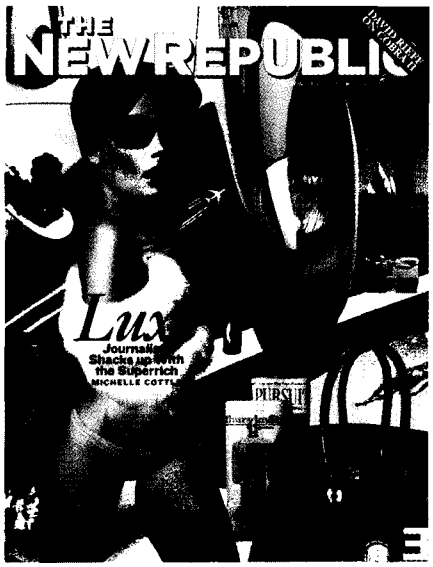
I AM AN ARTIST, AND I CONSIDER myself a liberal, but I found the illustration on the April 17 cover to be unnecessarily lurid.

JOAN NAHIGIAN
Cohasset, Massachusetts

PRIVATE TALK

WILLIAM J. STUNTZ RESTS HIS argument on the assumption that what governments *should* do and what they *will* do when protected from scrutiny are the same thing ("Secret Service," April 17). If the Bush presidency has taught us anything, it is that there is a gross disparity between these two notions. My broader problem with Stuntz's argument is his evidence that "[t]ransparency makes politics a running argument about decision-making, not about decisions." He cites the lingering questions about whether energy lobbyists exerted undue influence on energy policy as an example of the "politics of transparency." This seems exactly backward. In the case of the energy advice Dick Cheney received, the problem most administration critics had was the *lack* of transparency. The White House's refusal to discuss how it arrived at its policy (rather than some implied overwillingness to do so) was the reason for the focus on "procedural detail." I am not sure which seems more topsy-turvy—the administration's position that the American people should not know how they are being governed, or Stuntz's defense of this position.

RICHARD THOMPSON
Chicago, Illinois



I WAS SOMEWHAT PERPLEXED BY Stuntz's argument that liberals should favor government secrecy and oppose individual privacy because doing so would help "government to function better." (I should note that Stuntz was my criminal law professor.) His analysis rests on two assumptions, both of which are flawed: First, the innocent should not care if the government gathers information about them, so long as it is not disclosed. Second, the public should assess limited importance to transparency, because it deters good policy. Both of these assumptions are undermined by the recent debate concerning the government's warrantless wiretapping of telephone calls. I value my privacy for its own sake—not because I have something to hide from a prosecutor. And the value of transparency, among other things, is that it deters bad policy and ensures that public officials are accountable for their decisions.

JOSHUA KELNER
New York, New York

HEAR NO EVIL

IN HIS REVIEW OF *COBRA II*, DAVID Rieff cites the isolation of Saddam Hussein and Adolf Hitler from the military realities of their day, due to the climate of fear inhibiting useful advice from the staff and resulting in the chaos that followed ("Optimism Goes to War," April 17). Rieff could have included George W. Bush in this group. The consequences for those who spoke up are exemplified by Eric Shinseki, Paul O'Neill, Joseph Wilson, and many others.

DONALD J. BARDA
Laguna Beach, California

BODY POLITICS

PETER BEINART ECHOES THE FALSE modern attack on physical anthropology in his attempt to establish the role of political contingency in African history ("Taylor Unmade," April 17). The Tutsi and the Hutu were and are physically quite distinct. Notably, the average difference in height between the two ethnic groups is significant; and the idea that this is some sort of social construction (presumably by Belgian or German anthropologists) is nonsense. During the genocide of the Tutsis, the Hutu organized to "cut down the tall trees." Beinart does not need to attack anthropological reality to make his political point.

DAVID RANDALL
Brooklyn, New York

DEPARTMENT OF CLARIFICATIONS

In Daniel Jonah Goldhagen's recent article, "The New Threat" (March 13), several quotes from Khaled Mashal, the leader of Hamas, and one from Al Qaeda spokesman Suleiman Abu Gheith came from translations provided by the Middle East Media Research Institute (MEMRI) and should have been attributed to that organization. In addition, in "Ahmadinejad's Demons" by Mathias Küntzel (April 24), the translation of one quote from Iranian President Mahmoud Ahmadinejad should have been credited to MEMRI. ■

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Nice Ass

TRB FROM WASHINGTON

In the last year or so, I've spent a lot of time with my fellow liberals. I've gone to retreats, conferences, seminars, working lunches, and brainstorming sessions. And, while it is always dangerous to play anthropologist with your own tribe, I've come to a couple of conclusions.

For starters, we're too nice. Not too nice to conservatives—too nice to one another. The first thing that often strikes me when I arrive at these conclaves is how many others have not. Name tags lie on tables, seats remain unfilled. And the discussion begins. Over time, stragglers wander in, but, before too long, others wander out. Someone gets a cell phone call, checks the number, and heads for the exit. Someone else fishes a BlackBerry from his suitcase and begins to tap. The condition of American liberalism is grave, we all agree, but evidently not grave enough to put our cell phones on mute.

Then there are the ramblers. Most conference-attending liberals, I can happily report, are articulate, thoughtful, and succinct. But faced with the minority who are not, we crumble. In the middle of a lengthy, off-point, barely comprehensible soliloquy, a speaker stops and declares, "I'm not really sure this is relevant" or "maybe this doesn't make any sense." But, even after this cry for help, the chairman never steps in. Instead, the monologue continues, as more BlackBerries emerge from suitcases.

This, of course, is exactly what drives people crazy about liberals. Faced with irresponsible, destructive behavior—from public housing tenants who deal drugs, public school teachers who can't teach, dictators who flaunt the international system, or fellow liberals who won't shut up—we look the other way. After all, who are we to judge? Doesn't everyone have the right to their opinion?

A few years ago, a former Bush White House official told me he had been reading Bob Woodward's book, *The Agenda*, which chronicles the first two years of the Clinton administration. Woodward describes how senior Clintonites began holding meetings in the White House solarium to prevent uninvited staffers from attending. The ex-Bush official was appalled. Had anyone dared show up uninvited to a meeting in the Bush White House, he explained, he would have been physically ejected from the room, if not the building. Why can't liberals do that? How can we convince the American people we can stand up to criminals and dictators if we can't even stand up to the odd bloviating wonk?

But, if liberals must eradicate self-indulgent niceness, they must also confront an even bigger scourge. Let's call him NASCAR Man. NASCAR Man hovers over every discussion I've ever attended. You don't always notice him at first, but, sooner or later, someone invites him into the room, and he proceeds to suck out all the air. NASCAR Man is the guy liberals need to win, but usually don't. He loves guns, pickup trucks, chewing tobacco, and church on Sunday. He thinks liberals are high-taxing, culturally libertine, quasi-pacifist wimps. And, once liberals have conjured him up, they no longer say what they really believe—even to one another.

The problem starts with the failure to draw a basic distinction: between what liberals believe and what Democrats should say to get elected. Inevitably, in my experience, the two are conflated, and, inevitably, the latter tramples the former. Should liberals invest more power in the United Nations? Should they spend large new sums on the poor? Should they support gay marriage? The propositions are not refuted; they are rarely even raised, because no one wants to incite NASCAR Man's wrath. NASCAR Man inhibits intellectual inquiry. He's the bully everyone wants to appease.

This, needless to say, is not how conservatives traveled from the political wilderness to political power. Since John Kerry's loss, liberals have devoted themselves to institution-building, in a self-conscious effort to ape the "counter-establishment" so effectively constructed by the American right. But, when William F. Buckley founded *National Review* in 1955, or when Edward Feulner and Paul Weyrich created the Heritage Foundation in 1973, they did not use public opinion's perceived liberal tilt as an excuse to self-censor. Instead, they poured their energy into trying to explain—first at the level of principle and then at the level of policy—what conservatives really believed.

Today, NASCAR Man keeps liberals from doing that. In fact, he keeps liberals from even fully realizing that, were we given intellectual carte blanche, we would have difficulty articulating a set of core principles. At first glance, NASCAR Man's presence makes liberal discussions harder—because you have to tailor your views to his whims. But he ultimately makes them easier, because he prevents liberals from having to think about what we fundamentally believe.

Expelling NASCAR Man is not synonymous with moving liberalism to the left. To the contrary, by making certain liberal orthodoxies politically taboo, NASCAR Man insulates them from intellectual challenge. The assumption that court-ordered gay marriage is politically suicidal, for instance, prevents liberals from debating whether court-ordered gay marriage is actually a good idea. The assumption that Americans consider the United Nations ineffectual prevents liberals from deciding whether we think it is. When New Democrats invoke NASCAR Man to crush more radical ideas, they confirm the left's suspicion that centrist liberalism is a vacant, opportunistic creed—committed to nothing but the accumulation of political power. At a gathering of liberals, the easiest thing to say is that some piece of liberal dogma is too high-minded and forward-looking for the benighted American people to accept. The hardest thing to say is that some piece of liberal dogma is wrong.

Of course, once liberals have held a NASCAR Man–free discussion about what they believe, Democratic politicos may still decide that some of it won't work in a political campaign. That's OK; Democrats don't have to be martyrs. But at least liberals will have established a benchmark against which to mark their progress. Conservatives have enjoyed an advantage in recent years not because their ideas are particularly popular, but because they have clearly understood what they are fighting for. Once liberals silence NASCAR Man and all the other blabbermouths who sabotage their efforts at intellectual reconstruction, they will as well.

PETER BEINART

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Jeep Grand Tragedy

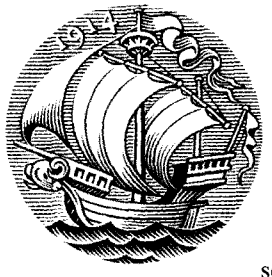
SAY WHAT YOU will about Rush Limbaugh, but the man does occasionally have a way with words, particularly when those words are of the harsh variety. And there was an undeniable rightness to the harsh words Limbaugh had for Bill Frist last month after the Senate majority leader, in response to high gasoline prices, proposed that the government mail $100 checks to 100 million taxpayers. "What kind of insult is this?" Limbaugh groused about Frist's rebate. "Instead of buying us off and treating us like we're a bunch of whores, just solve the problem."

Alas, as is often the case with Limbaugh, his ire was not equaled by his analysis. Limbaugh was angry at Frist not because he had offered the money, but because he hadn't offered enough. "I am guessing that a hundred bucks could not even pay for two strippers to attend a lacrosse team party," Limbaugh elaborated. "And yet they think they can buy us off with a hundred bucks!" (Evidently Limbaugh considers himself a *high-priced* whore). "The problem," as Limbaugh defines it, is that gas prices are too high. But that is not the problem at all. Rather, the problem is that Americans consume too much oil—almost one-quarter of the world's petroleum—which becomes an even less flattering statistic when considered in light of the multitude of whammies presented by the current moment. That is, we face a confluence of the following: melting ice caps, $3.60-per-gallon fill-ups, and Middle Eastern instability (e.g. Mahmoud Ahmadinejad lusting after nukes). Indeed, to channel Limbaugh, that $100 from Frist could barely buy enough booze to momentarily distract you from this horror show.

There's really one solution to this crisis. We need to cut way back on our guzzling of petrol. (And, to the extent that the recent gas-price hike has reduced consumption, it is actually a positive development.) A big old tax on gas would, of course, achieve that worthy goal. But, unfortunately, this solution comes attached to an obvious problem.

Raising gas taxes is a political nonstarter, as the ongoing mass hysteria over higher gas prices amply demonstrates. What's more, even if raising gas taxes were politically feasible, there remains the uncomfortable fact that a gas tax is a highly regressive measure—disproportionately nailing those without the cash to upgrade from their older, less fuel-efficient barges.

These fears about inequality, however, shouldn't end the debate. They should ignite it. Instead of penalizing late-model Chryslers, the time has arrived for politicians to go after that most despicable symbol of Bush-era excess. Yes, we're talking about taxing the hell out of the Hummer.



Wonks, in their pithiest mode, refer to the Hummer Tax as a "feebate" system. Under such a system, the government would either slap a tax or offer a rebate on newly purchased vehicles based on the vehicle's fuel-efficiency rating. For instance, a gas-guzzling SUV would carry a surcharge, which, in turn, would fund the rebate that is awarded to each buyer of fuel-efficient hybrids. Unlike the gas tax, which essentially penalizes people for decisions they have already made, a feebate would penalize—or reward—future decisions. An extra $10,000 on the sticker price of an Escalade actually stands a chance of deterring high-end shoppers, not to mention middle-class SUV buyers.

The feebate wouldn't just reward virtuous consumer behavior. It would spur automakers to churn out hybrids at a faster clip, nudging supply of these vehicles to keep pace with demand. For all the Priuses being sold—and all the people putting their names on waiting lists to buy them—hybrids still account for only 1.2 percent of the U.S. auto market.

If this elegant Hummer Tax doesn't excite politicians, there are other, stealthier methods for reducing oil consumption. One is called pay-as-you-drive (PAYD) auto insurance. Currently, insurance companies charge drivers an annual lump-sum premium. Under PAYD, insurance companies would base premiums on the annual number of miles driven. As Ian W. H. Parry, an economist with Resources for the Future, has explained, "By converting some of the fixed costs of vehicle ownership into costs that vary with mileage, the policy reduces the distance that vehicles are driven and thereby reduces fuel demand."

Neither of these solutions is perfect. The first may even penalize some drivers unfairly—like urban owners of SUVs who don't actually consume that much gas on their short drives to Whole Foods. But, if we can't pass a gas tax at this political moment—when every security and environmental rationale points in that direction—then that proposal is a road to nowhere; and, if we ever hope to reduce our oil consumption, it is time to take a different route. ■

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On the Hill

Barton Fink

BY MICHAEL CROWLEY

EVERYONE AGREES THAT gas prices present a crisis. And, in Washington, a crisis demands action. Typically that means a Kabuki theater performance, in which nothing substantive is done but the bad guys—in this case, oil executives—are hauled before congressional committees, made to take oaths, and berated by congressmen desperate for TV airplay back home.

The job of directing this season's ritual show trial has fallen to House Energy and Commerce Committee Chairman Joe Barton. Last Wednesday, he convened the first of several hearings on gas prices, drawing representatives eager to wax apoplectic over $4-per-gallon gasoline. But, as congressmen arrived to take their populist potshots, they were greeted with a spectacle that was disappointing even by the low standards of the genre. Where were the energy fat cats? Barton was unapologetic for the absence of these stock villains. "We're talking to them privately now," he told reporters, wearing a necktie festooned with playing cards. "And I haven't definitely determined that we're going to bring them up in public as a group." A reporter asked if that would be a good idea. "I'm not looking for scapegoats," Barton replied.

Anyone familiar with Barton's background wouldn't be surprised by his aversion to beating up on Big Oil. Barton's defining moment as chairman so far may have come in the wee hours of a July night last year, when his committee finished grueling work on a huge energy bill—a pro-industry bonanza (first designed in Dick Cheney's office) that featured a whopping $14.5 billion in tax breaks for energy producers. As Barton delivered a valedictory speech, he became so overwhelmed by this legislative feat that his voice faltered and tears filled his eyes. ("Damnedest thing I ever saw," one committee Democrat later quipped to his aides.)

In the days to come, both the right and the left would ridicule the energy bill as a boondoggle. A "monstrosit[y] of wasteful spending," declared *National Review*; "leaves most of the hard questions for later," huffed *The Washington Post*. But energy industry lobbyists were almost uniformly thrilled. And, for Joe Barton, their greatest ally in Congress, it was an exquisite triumph. Which is why, with Republicans panicking over their image as shills for Big Oil, Barton can't quite bring himself to turn on the industry that made him a *macher*.

BARTON ASCENDED TO his chairman's seat in February 2004, after Louisiana's Billy Tauzin retired. The leap made Barton an instant VIP in Congress—and the White House. "Certainly among senior members of Congress, I'm as close to [Bush] as anyone," he bragged to the *Post* last year.

That marked the culmination of a long and unlikely rise for the former back-bencher from Ennis, Texas (population 18,500). Barton, a former industrial engineering student, has always been vanilla bland. ("Joe's an engineer, and he's got an engineer's personality," former House Republican leader Dick Armey once told the *Los Angeles Times*.) He initially fashioned himself as a first-degree conservative ideologue. In the mid-'90s, he championed a constitutional amendment requiring a two-thirds vote to raise taxes. He mounted a crusade to institute random drug-testing for congressmen and their aides, even using his personal funds to finance drug tests in his own office. And he deplored gay rights: "If homosexuality was normal, we wouldn't any of us be here. You have to have heterosexual behavior in order to recreate the species."

At first, Barton left little mark on Washington. "Very mediocre," is how one veteran Democratic aide assesses him. After Republicans gained control of Congress in 1994, however, Barton developed a useful passion for energy issues, pushing for electricity deregulation (a boon for the likes of Enron) and opposing price controls during the recent California power crisis. Perhaps not coincidentally, he also began raking in campaign cash from industries like oil, gas, coal, and electric utilities—nearly $2 million since 1997.

In addition to demonstrating enviable fund-raising chops, Barton also proved himself a faithful toady of then–House Majority Leader Tom DeLay. When the Kansas-based energy firm Westar lobbied DeLay to slip a key undebated provision into a 2002 energy bill, it was Barton who did the dirty legislative work. (The House Ethics Committee later reprimanded DeLay for selling access to Westar. But Barton fell on his sword, volunteering that, if anyone deserved blame, he did.)

In 2003, after Tauzin hinted he might retire, Barton cranked up his self-advancement campaign. According to the *Post*, he distributed more than $6 million in campaign contributions to fellow Republicans and hosted a $5 million–plus event for the National Republican Congressional Committee. Although Barton wasn't next in line for the chairmanship by seniority, House GOP leaders installed him anyway—a move seen as a DeLay fiat. "This is a major victory for Texas," DeLay crowed.

IN MAY 2002, Jack Abramoff attended a baby shower for DeLay's daughter, Danielle, in, of all places, the Washington offices of a major power company, Houston-based Reliant Energy. The event later served to illustrate the personal ties between DeLay and Abramoff. But it has a Barton tie as well. The shower's organizer was Debra Whiddon, a friend of Barton's from Texas whom Reliant hired into a lucrative lobbying job at the representative's suggestion. It's just one of about a half-dozen connections between Barton and Reliant—a dubious corporate citizen that recently agreed to pay a $512 million federal set-

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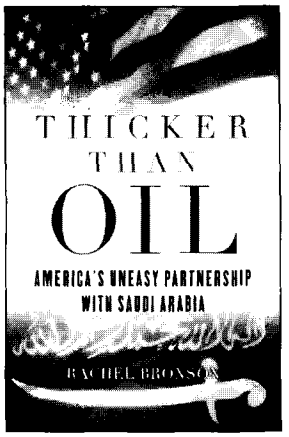

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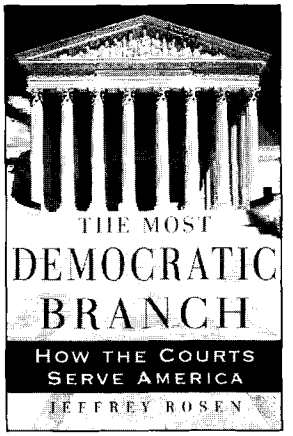

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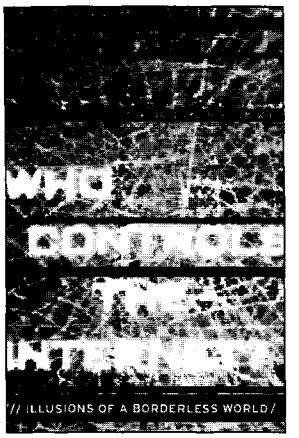

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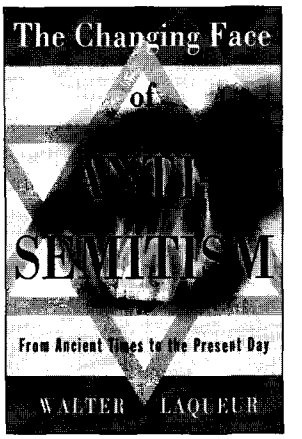

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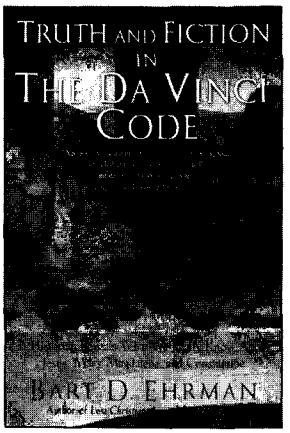

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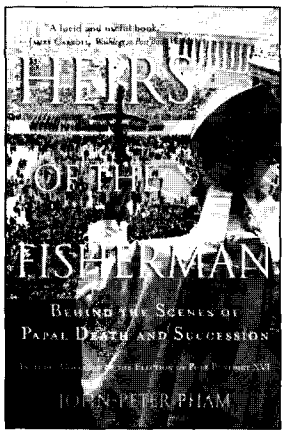

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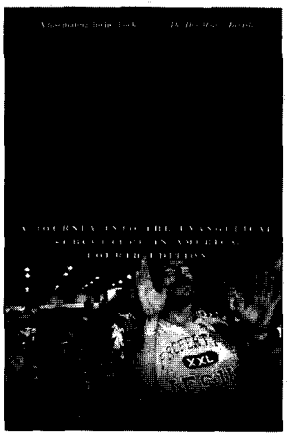

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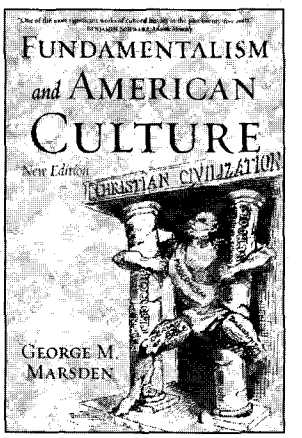

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tlement over charges that it manipulated prices during the California electricity crisis. Shortly after becoming chairman, Barton hired Reliant's top Washington lobbyist to be the Energy and Commerce Committee's chief of staff. As of last August, Barton held around $15,000 in Reliant stock. And, since 2001, Reliant has donated nearly $50,000 to Barton's political accounts. Perhaps not coincidentally, Barton took care to kill a Senate-passed provision in last year's energy bill that Reliant adamantly opposed, according to *The Wall Street Journal*.

Indeed, Barton's overall performance as chairman suggests a kind of junior DeLay. (When DeLay retires this year, Barton will be the senior-most Texan in Congress.) His fund-raising from the industry he regulates, for instance, smells of a scandal waiting to happen. Barton set up a personal nonprofit foundation to harvest contributions from donors who max out their direct contributions to him—a practice pioneered by DeLay. In January, Barton staged a novel fund-raiser: A seven-hour train ride between Fort Worth and San Antonio with his donors. "During the ride, we'll have lots of time to talk, play some Texas Hold 'Em, and enjoy some great down-home Texas food," Barton said in his invitation. "This is about as good as it gets." For business lobbyists desperate to gain access to Barton, it must have been: Barton's gravy train raised well over $100,000.

And, like DeLay, Barton champions a pro-industry agenda with no apparent concern for appearances. Just two months after his tearjerker of an energy bill, he exploited concerns over energy supplies in the aftermath of Hurricane Katrina to jam through still more energy subsidies, ease environmental regulations on refineries, and press for more offshore oil and gas drilling.

But today's political climate, in which overpaid oil executives are such ripe political targets, is an extremely tetchy one for Barton. "Everyone is hysterical around here" about gas prices, says one House GOP aide. Yet, despite his recent halfhearted jabs at his mogul pals (last month, Barton issued a statement piling on the widely vilified Exxon CEO Lee Raymond's $400 million retirement package, and he recently told the *Houston Chronicle* that "I have a love-hate relationship with [the energy industry] right now"), Barton simply can't bring himself to publicly harangue his corporate masters in the name of what, to be fair, amounts to cheap demagoguery. At Wednesday's hearing, which featured a bland array of energy experts, Democrats and at least one Republican demanded that Barton summon oil executives before them. "There seems a concerted effort to blame everyone *but* the oil companies," fumed California Democrat Henry Waxman. But, as Waxman spoke, Barton was leaning back in his chair, flipping through a magazine. He wasn't interested. ■

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Trilling, Sontag... Cowell.

Simon Says

BY FRANKLIN FOER

HIGHBROWS WIDELY regard the singing competition "American Idol"—and the contest's mascot, its tart English judge, Simon Cowell—as an omen of impending cultural apocalypse. To list the specifics of this grim forecast: Performing more-or-less karaoke, complete with shooting flames and ocean waves projected on a massive video screen behind them, contestants pay homage to the most irksome trifles in the history of pop. (Tonight, we fête the genius of Gloria Estefan; next week, Barry Manilow!) Despite the unspeakable lameness of these acts, their perpetrators have occasionally received vote totals comparable to presidential candidates. And, if you momentarily allow the escapist pleasures of this spectacle to sweep you away, your enjoyment will inevitably be interrupted by the ubiquitous product placements, reminding you of "Idol" 's crassness. (Damn, Coca-Cola red room!) Above all, there's the smug, cynical Cowell in his too-tight Armani T-shirts. His unceasing stream of aperçus—"If you were the only person who entered this competition, you still wouldn't win"—are presented as evidence of a sadistic penchant for humiliating unworldly teens and the carny masses of "Idol" wannabes.

Leveling this critique at "Idol," however, requires a certain myopia. It mistakes the trappings of the show—the endless renditions of Phil Collins, the shrieking, sign-waving girls in the audience—for "Idol" 's true contribution to culture. That contribution comes in the form of Cowell, who, along with his fellow judges of lesser intellect, Paula Abdul and Randy Jackson, issues critiques of each singer's performance. Every week, he finds new pejorative descriptions for the lame music he encounters. "I think you're possibly the worst singer in the world," he has quipped. Or, "You take singing lessons? Do you have a lawyer? Get a lawyer and sue your singing teacher." But, far from precipitating cultural decline, these vicious performances have restored authority to the one figure that can salvage us from doom: the critic.

CRITICS DON'T JUST exist as arbiters of taste and explicators of art. They exist to bemoan their own inability to influence the world. In an essay on book reviewing, George Orwell once portrayed the critic as "a man in a moth-eaten dressing gown ... [a] down-trodden, nerve-racked creature." This self-pitying streak often makes critics sound like militant Muslim enthusiasts for the lost caliphate of Al Andalus—always

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pining, with somewhat selective memory, for the moment when they exerted genuine authority over Western civilization. Countless books (*The Last Intellectuals*, *What Happened to Art Criticism?*, every homage to Edmund Wilson ever written) wax nostalgic for the time when the public paid attention to the likes of Trilling, Leavis, and Greenberg—a renaissance that ended with the cultural reformation of the 1960s. By contrast, we now live in what *The Believer*'s Heidi Julavits has called the "Teflon age of criticism," where reviews don't stick to either artists or consumers of art.

"American Idol," however, puts the lie to this nostalgic story line. Whatever influence Edmund Wilson may have achieved in his prime, it hardly compares with the power of Cowell. It is true that Cowell wasn't nurtured by the alcoves of City College or hardened by the rough-and-tumble of *Partisan Review*. He comes to criticism by way of the far less intellectually rigorous record industry, where he made a career of producing acts like the Spice Girls knockoff Girl Thing and songs like "So Macho," as well as churning out Power Rangers albums. This populist sensibility accounts for his preternatural gift for identifying the ineffable qualities of pop stardom. Call him the Robert Parker of Top 40. Unlike schooled critics, who can distinguish a major from a minor chord, Cowell understands how looks, persona, and "showmanship" can compensate for a competent but otherwise bland performance. And his career producing schlock has given him a superb eye for identifying it.

On the program, "Idol" judges render assessments but don't actually vote for contestants. Their power rests entirely in their ability to sway the public—in other words, with the power of their criticism. Although Cowell's harsh pronouncements frequently make him the subject of jeers during the live broadcasts, his opinions routinely lead millions to pick up their phones and vote for his favored candidates. For the past three seasons, he has championed the contest's eventual winner at an early stage in the competition, celebrating singers without obvious prospects of triumphing. Last year, he (alone among the judges) declared country singer Carrie Underwood the inevitable winner of the competition two months before the season finale, thus sealing her fate. (Remind me again: How many readers did Wilson win for the French symbolists?)

Cowell doesn't just influence the outcome of the competition; he affects its substance. In response to Cowell's advice, raw-sounding rockers have experimented with unfamiliar genres to expose their "sensitive side"; torch singers have dropped their crutch reliance on ballads. Of course, Cowell isn't shy about claiming credit for these small victories. ("Well, I have to take a certain amount of credit for that performance," he boasted several weeks ago.) When spreading the good news about his favored singers, Cowell avoids the fate of many contemporary critics, especially movie reviewers. After watching so much dreck, movie reviewers get so excited when they encounter a solidly constructed film that they lose control of their faculties, slathering *Million Dollar Baby* and *Crash* with superlatives formerly reserved for Fellini and Scorsese. Cowell, on the other hand, will frequently begin his most effusive comments with a deprecating remark about the contestant's hair style or past performances. And, even in his most enthusiastic moments, he'll rarely say more than "very good" or "it worked." But, in his restraint, he has achieved the ultimate critical fantasy—to actually shape the objects of criticism, to play the role of co-creator.

WHEN COWELL ISSUES his judgments, he likes to begin by denying the obvious. "I don't mean to be rude," he apologizes. Then he will go on to say something like, "You have about as much Latin flair as a polar bear. It was horrendous." And, to be fair, he isn't truly rude. His comments more precisely fall within a subgenre of criticism known as "snark," to borrow a phrase from Julavits's widely discussed essay on the state of criticism. Snark, by her definition, is when "reviews are just an opportunity for a critic to strive for humor, and to appear funny and smart and a little bit bitchy, without attempting to espouse any higher ideals." For Julavits, snark, which she denounces as both self-serving and nihilistic, has played an

DAVID COWLES

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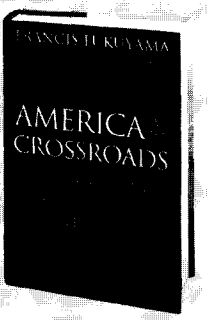

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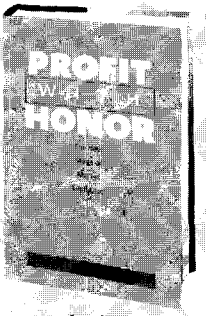

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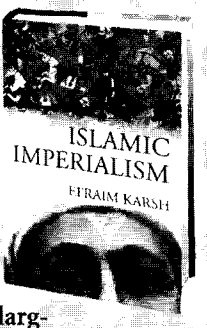

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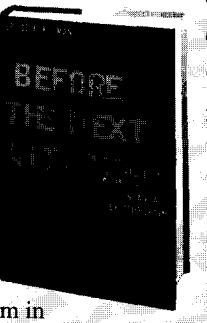

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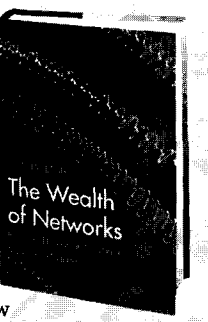

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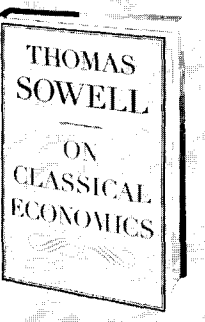

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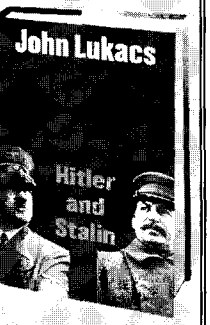

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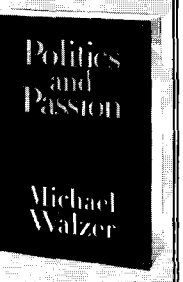

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essential role in creating modern-day critics' impotence.

This definition of snark superficially captures Cowell. But it also gets Cowell profoundly wrong. His meanness is the source of his authority. When he keelhauls contestants, his favored terms of abuse are "karaoke," "cabaret," "cruise ship," and "wedding singer." These cut-downs capture the essence of "Idol." Contestants are singing well-known pop songs. Successful singers are those who transcend the artificiality of the format and become more than "some ghastly Xerox machine." And, while Cowell may be harsh, he is rarely strident. He has retracted criticisms that don't hold up on his second watching of the show. "We were wrong," he told contestant Katharine McPhee a few weeks ago after deciding that her rendition of Whitney Houston's "I Have Nothing" had something after all. Because he never fails to point out crap—and because he has the honesty to admit failure—viewers actually trust his opinions.

Cowell, if we're honest, also owes his authority to his company at the judges' table. His judgments usually follow comments by former Los Angeles Lakers cheerleader Paula Abdul and former Journey bassist Randy Jackson. Both embody the characteristics praised by Julavits. They refrain from gratuitous bitchiness and self-consciously follow every critique with constructive criticism. "It was just alright for me, dude," is Jackson's euphemism for wretched. If Abdul can't find anything praiseworthy in a performance, she will applaud a contestant for choosing good shoes. "We love you!" she will add. The tandem has styled itself the anti-Cowell. They seem to take great pleasure in waxing indignant about Cowell's pistol-whippings, with Abdul and Jackson frequently leading choruses of boos directed at the Brit. This avoidance of snark may make Abdul and Jackson better human beings, but it makes them irrelevant, mealy-mouthed critics. Unlike Cowell, they have never exerted clear influence on the course of the competition, never anointed a winner or sunk a loser. And, in the end, their niceness doesn't expose their moral superiority—just their lack of conviction and confidence in their own taste.

Unfortunately, Cowell has used his "Idol" success as a springboard for expanding his empire of schlock. He generated a string of not very edifying reality TV shows, such as "Cupid" (wherein Americans voted on potential husbands for a single woman) and "American Inventor" (which brought us such life-changing products as the Flushpure toilet seat lid), as well as the requisite celebrity-at-the-height-of-fame memoir, *I Don't Mean to Be Rude, But* ... His latest confection, a boy band composed of opera singers, Il Divo, has, shockingly, ascended to the top of the charts. And premiering in June is Cowell's ultimate *Waiting for Guffman*–like TV production: the hopefully ironically named "America's Got Talent," which will expand the "Idol" format to include dancers, comedians, and even animal acts. What makes this so tragic isn't that his projects will inject so much more garbage into the culture; it's that Cowell might be ignoring his true calling. Last I checked, the *Partisan Review* franchise is still available. ■

Life lessons from "Big Love."

Two-Timing

BY MICHELLE COTTLE

As both my husband and I scrambled to meet work deadlines last week—while simultaneously juggling multiple doctors' appointments and assuring our daughter's day care teachers that, yes, one of us would still be able to watch the class for an hour during the monthly staff meeting—it once again struck me: What most modern marriages really need is an extra wife.

I've been thinking about this a lot lately in response to all the buzz surrounding HBO's new polygamy-themed hit, "Big Love." Conservatives have taken to brandishing the show as Exhibit A in the fight against gay marriage. That is, once we breach that hard, bright line delineating marriage as the union of one man and one woman, the next thing you know, we'll all be living in multi-spouse chaos, with too many kids, credit card bills, pool toys, cat fights, complex copulation schedules, and Viagra prescriptions for any sane person to keep track of.

To a certain extent, I agree (with the criticism of polygamy, not of gay marriage), but largely because "Big Love" 's Henrickson clan has approached this whole multi-spouse business from exactly the wrong angle. As in real life, the show's polygamy—or, more specifically, its polygyny—is wrapped up in the biblical mandate to be fruitful and multiply. As soon as one wife gets too old and run down to breed efficiently, you bring in a new model. But let's face it: No matter how devoutly Pat Robertson wishes it were so, none of us is living in Old Testament times. And the major problem facing the American family today is not a shortage of children.

In far too many modern families, however, there is a corrosive shortage of support—of the physical, logistical, and, perhaps most importantly, emotional kinds—once consistently provided by your garden variety housewife. Just look at the ever-growing pile of articles, books, and polls pointing to how much stress and friction couples are suffering in their eternal struggle to balance conflicting work and family duties. Typically, the gist of these discussions is that, if only women could find a way to lighten the domestic load that still tends to fall disproportionately on their shoulders, marital bliss would follow.

Maybe. But probably not. Certainly, there's no question that having good child care and a husband who knows his way around the kitchen can make a gal's life easier. And, for those with the financial means, an army of highly competent domestic help can remove most of the sting of housekeeping. Still, no matter how many nannies or housekeepers or

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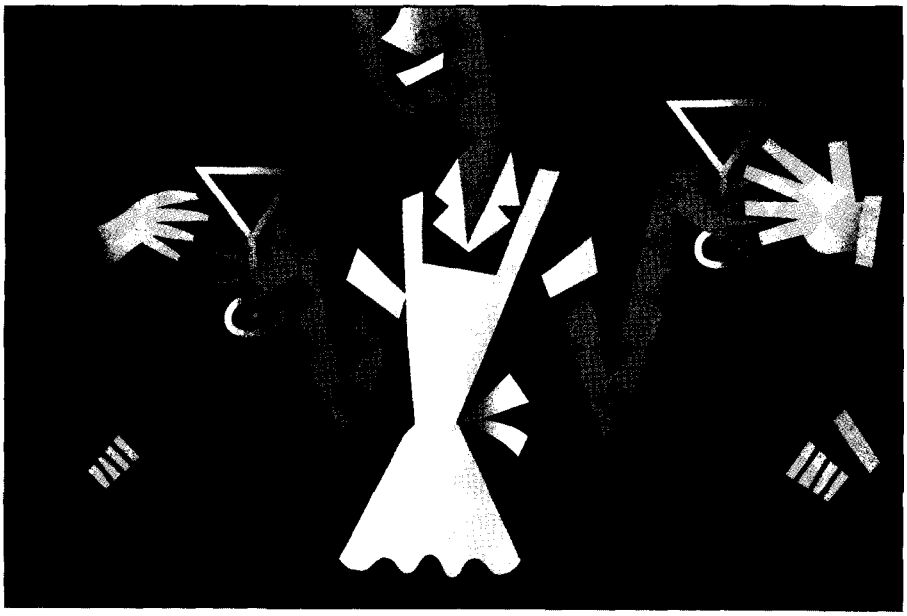

personal assistants the more affluent among us employ, at the end of a long day, most of us still won't come home to someone whose primary mission in life is to see to the well-being of our households. Even if the government began issuing every family its own Mary Poppins and men suddenly decided that they desperately wanted to spend their evenings folding laundry and frosting cupcakes for preschool, this still wouldn't address the emotional and spiritual void left by the disappearance of the traditional housewife about which Caitlin Flanagan writes so nostalgically in her recent book *To Hell With All That.*

With her unflinching focus on what we lost with the women's movement, Flanagan has drawn heavy fire from many working mommies and their ilk. But the book is so inflammatory in part because of its uncomfortable-but-tough-to-dispute observations. For instance, at the end of a chapter examining our tendency to farm out domestic chores once handled by housewives, Flanagan notes: "What's missing from so many affluent American households is the one thing you can't buy: the presence of someone who cares deeply and principally about that home and the people who live in it."

Of course, it's not only affluent households missing this nurturing figure. Moving down the income ladder, the issue of moms working may be more about economic need than personal fulfillment, but the result is the same. And, before we blame this entire mess on mom's selfish insistence on a career, keep in mind that even today's full-time mommies bear little resemblance to the housewives of yore. As Flanagan points out, just note the difference in nomenclature. A huge chunk of today's "stay-at-home moms" are home because they are utterly devoted to raising perfect, perfectly adjusted children; but, with all the music lessons, soccer practices, and tumbling camps for the kids, they often have as little (maybe even less) time to devote to their houses and marriages as do their working counterparts. In these households, as surely as in those of hard-charging careerist mommies, gone is the kind of woman who greeted her husband at the door each evening with a kiss and a cold martini, assured him that the home-front was under control, and insisted that he tell her all about his day in the trenches.

IT IS INTO this breach that an extra wife could step. Better still, since the kind of multi-spouse arrangement I'm envisioning isn't about maximizing the number of offspring, one could just as easily have a household with two husbands. Indeed, the key to this brand of polygamy would be to make clear up front that the second-spouse slot was for a woman or man specifically *not* interested in procreating. After all, how could you save labor with two full families' worth of kids but not two full families' worth of parents?

Obviously, this kind of life wouldn't be for everyone. The search for a less self-abnegating existence is, after all, what destroyed the institution of housewifery to begin with. But maybe with a bit of clever marketing, you could appeal to men and women looking to indulge their inner domestic goddess—or simply to find stable companionship—without the strain of bearing all the responsibilities of spousehood alone.

Despite the obvious advantages of an extra spouse, some couples might be a tad skittish about jumping into anything so permanent as a second marriage. Never fear: For them, I have an alternative solution proffered by a Georgetown student responding to a blog item I recently wrote on this subject. What I seemed to be advocating, noted the student, wasn't a full-fledged second spouse so much as a marital intern—unpaid, naturally, as all good interns are. Now that is *exactly* the kind of outside-the-box thinking my husband and I could use at our house. Just give us a call, kid. We've got a pile of laundry and a defrosted pork roast awaiting your tender ministrations. And we both like our martinis made with gin, not vodka. We're traditional that way. ■

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DAVID COWLES

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The politics of "24."

Kiefer Madness

BY CHRISTOPHER ORR

IT'S 11:20 P.M., and agent Jack Bauer has had a very long day. In the morning, he worked to rescue the secretary of defense and his daughter (who also happens to be Bauer's girlfriend) from a terrorist kidnapping and Web-telecast execution. The afternoon was mostly spent unraveling a plot to melt down all of the nation's 104 nuclear reactors simultaneously. In his spare moments, Bauer shot a suspect during interrogation, held up a convenience store, turned a terrorist wife against her terrorist husband, had a shoot-out with a troop of corporate mercenaries, offered himself up as a hostage, killed an assassin posing as an FBI agent, and tortured his girlfriend's estranged husband for information—only to discover he didn't have any. (How awkward.) But no time for regrets. Air Force One has just been shot down by a stolen stealth fighter, and terrorists are on their way to retrieve the presidential nuclear codes from the wreckage, unless Bauer can get their first. "Right now, this country is under attack," he explains, as he choppers his way to the crash site, "and I've got a job to do."

So goes another day at the office on "24," Fox's breakout anti-terrorism action-drama. Now wrapping up its fifth season, the show plays like a breakneck rundown of Richard Clarke's apocalyptic nightmares: loose nukes, weaponized viruses, nerve gas attacks, assassination attempts, government conspiracies, terrorist cells and subcells. For those not yet on the edge of their seats, the urgency of these threats is further upped by "24"'s signature gimmick: The show takes place in "real time," with each episode constituting one hour—complete with ticking clock bracketing commercial breaks—and each season adding up to a single, frenzied, 24-hour day.

Every era has its defining TV shows—popular fictions that, sometimes unintentionally, capture the temper of the times. The first half of the 1970s had the anti-traditionalist agitprop of "All in the Family"; the latter half, the traditionalist nostalgia of "Happy Days." In the 1980s, the crass, extraction-based wealth that we frowned upon in "Dallas" eventually gave way to the sleek, talent-based wealth we aspired to in "L.A. Law." The early '90s were captured by "Seinfeld," a show famously (and, as we would learn only later, blessedly) "about nothing." Then, as Bill Clinton's presidency sank into scandal and ushered in George W. Bush's, "The West Wing" epitomized the liberal flight from reality into a rosier universe where the Man from Hope kept it in his pants.

Initially, "24" seemed destined to miss its cultural moment—not by being irrelevant, but by being *too* relevant. The show's first half-dozen episodes were shot in the spring and summer of 2001 but didn't air until early November, eight weeks after the reality of September 11 had superseded their fictions. At first, audiences stayed away, not yet prepared to be entertained by tales of terrorism. (It couldn't have helped that the very first episode featured a passenger jet being blown up mid-flight, killing all on board.) But, following this bumpy start, "24" has managed to turn its weekly strip-mining of our national anxieties into gold, garnering fistfuls of awards and ratings to die for. Kiefer Sutherland, who stars as superspy Jack Bauer, just signed a reported $40 million deal to return for three more seasons, which would make him the highest-paid actor in a TV drama. "24" has arguably become the defining entertainment of the political moment, earning accolades from observers as diverse as Frank Rich and Pat Buchanan. *Rolling Stone* just declared it the "central moral-political drama of our time."

Like any cultural phenomenon so self-consciously attuned to the zeitgeist, "24" has been widely dissected in efforts to augur the public mood. Conservatives, especially, have been quick to read the show as a political parable, with Bauer's often ruthless methods serving as a flattering proxy for the Bush administration's steadfast, whatever-it-takes posture. *The American Spectator* has applauded the show's "political and moral toughness"; *The Washington Times* exulted that it "identifies the terrorist enemy without flinching and lets the good guys fight to win—without apologies." *Time*'s Joe Klein described it, more critically, as "the classic conservative fantasy—the myth of American competence and omnipotence."

But, irresistible as it may be for conservatives to claim "24" as a ratification of their post–September 11 worldview, it's not one. This is in part because the show's politics aren't conservative in any meaningful way. But, more importantly, it's because the show is beyond politics altogether—or, perhaps more accurately, beneath them. "24" capitalizes shamelessly on the post–September 11 mood, but, for all its topicality and moral theatrics, it has never really come to terms with post–September 11 reality.

AMERICAN HERO Jack Bauer is an ex-SWAT, ex-Delta Force commando working for the Los Angeles branch of the (fictional) Counter Terrorist Unit (CTU), an elite, high-tech CIA spinoff. As befits his training, he is a man of action: decisive, aggressive, and disinclined to play by the rules when he feels they're getting in the way. He never wavers, second-guesses, or gives in to criticism, instead doing whatever needs to be done to safeguard American lives, regardless of the costs. Conservative fans of the show frequently note the similarities between Bauer's disposition and that of a certain White House resident, and they claim that "24"'s popularity is evidence that, whatever the polls may say, Americans want someone like Bush to defend them in these troubled times. Buchanan has gone as far as to pronounce the president our "Jack Bauer in the war on terror."

But the contours of Bauer's character have far less to do

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with the demands of geopolitics than with the demands of genre. Put simply, the heroes of action films, books, and TV shows are *almost always* decisive, aggressive, and disinclined to play by the rules. One does not find many of them obsessed with rumination and consensus-building for the same reason that one finds few impetuous he-men in drawing room comedies: It doesn't work dramatically. It is no coincidence that, when political meaning is imputed to iconic action stars—John Wayne, Clint Eastwood, Arnold Schwarzenegger—that meaning is nearly always "conservative." "24" actually takes this genre requirement one step further by making time itself the essential villain of the series: Individual terrorists come and go, but "24" 's ticking clock remains, counting ominously down toward one cataclysm or another. Little wonder that cautious deliberation is low on the show's checklist of virtues.

More fundamentally, those who wish to conflate Bauer and Bush misunderstand that, in heroic fiction—and, for all its tragic trappings, "24" is certainly this—the relationship between character and effect is reversed. Bauer is not a hero because he does whatever is necessary; whatever he does is necessary because he is the hero. When he performs a terrible act—the murder of a witness, the terrorist-demanded execution of a CTU colleague—it's always clear that there was no other way to prevent a larger tragedy. Likewise, when he takes the path of mercy, it proves to be the correct one and another, less heartless solution to the dilemma will present itself. Unlike real-life decision-makers in general—and Bush in particular—Bauer has the considerable virtue of always being right.

Conservatives also point to Bauer's disturbing affinity for torture as a means to gather information, a trait that, thanks to Abu Ghraib and other recent revelations, is now apparently the undisputed (if perhaps unwanted) property of the GOP. But here, again, the show's purposes seem more narrative than political. Yes, Bauer will on occasion break suspects' fingers, step on their bullet wounds, electrocute them with table-lamp cords, or threaten to mutilate them with knives. But the roster of unfortunates tortured by Bauer and his colleagues is comically improbable. In addition to the familiar litany of low-level thugs, paid assassins, and suspected CTU turncoats, the president of the United States orders (with the show's evident approval) the torture of his national security adviser. The secretary of defense authorizes the torture of his own slacker son. And, of course, Bauer tortures his girlfriend's husband. Perversely, when the villainous masterminds at the center of "24" 's plots are captured, they are as often as not spared the graphic, extended punishment that the show otherwise metes out so promiscuously. The story offers reasons, of course: There isn't time, the bad guy is too tough to crack. But another underlying explanation for this reversal—in which people who would never be tortured are, and those who almost certainly would be aren't—is that the decision to torture someone known to be planning mass murder is relatively easy; the decision to torture the national security adviser or your girlfriend's hubby is so much more morally anguished, an opportunity, however implausible, for the show to advertise its hardheartedness. "We're not political," co-creator Joel Surnow recently explained. "But what we are is, we're hard-core."

Ultimately, the purpose of "24" 's systematic abuses of the flesh (as well as the often brutal deaths of characters both good and bad) is less to explore the justifiability of violence than to lend an air of realism and moral gravity to what is otherwise a cartoonish view of the war on terrorism. We live in an age when grittiness is frequently mistaken for truth, when a dark view of human nature is presumed to be an accurate one. As the *Los Angeles Times* recently noted of TV dramas, "death becomes a measure of a show's authenticity." With that currency, "24" can afford to purchase an awful lot of authenticity.

There are other details occasionally thrown out to support the idea that "24" is a conservative critique of our times, but they're less convincing still. Yes, there have been characters on the show who seem hatched from an Ann Coulter fever dream: a terrorist-coddling lawyer from "Amnesty Global" who prevents a much-needed interrogation; the secretary of defense's petulant lefty son, who has to be chided for his "sixth-grade, Michael Moore logic," et cetera. But their population is dwarfed, in both number and significance, by the cast of liberal bugaboos: the shadowy businessmen who nefariously appear to pull the strings of more than one president; the vice president so eager to start a war in the Middle East that he uses the Twenty-Fifth Amendment to remove the more cautious president; and so on. It's also hard to imagine it a coincidence that David Palmer, the wise, stalwart, honest president of the early seasons, is a Democrat, and that the Republicans who succeed him are a scandalmonger and a Nixonesque weasel who ultimately proves to be at the center of a conspiracy to manufacture evidence that will enable the deployment of U.S. forces abroad. "24" may swing right more often than such one-sided liberal wish-fulfillments as "The West Wing" and "Commander in Chief," but, on balance, its schizophrenic mix of political provocations still leans to the left.

NONETHELESS, FRANK RICH may want to hold off on that victory lap. Ultimately, the world that "24" envisions each week is less liberal or conservative than it is one from which political belief has been banished altogether. We're introduced to a strong Democratic president and a weak Republican one, but neither is, for example, recognizably hawkish or dovish with any consistency. The former sometimes demonstrates his strength through aggressive action (e.g., illegally detaining a journalist who might reveal a terrorist threat to the public) and sometimes through thoughtful restraint (resisting his vice president's war preparations). Likewise, the latter's weakness initially makes him appear overly cautious; only later do we learn he is behind a nefarious secret plot to extend U.S. hegemony in Central Asia. Character is everything; ideology, nothing.

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Indeed, the entire show takes place in a peculiar political vacuum: September 11 appears to have happened (there's at least one reference to "Guantánamo"), but there's no sign of Al Qaeda or the war in Iraq. Only two of the show's five seasons feature jihadist foes, and, in one case, they're the unwitting pawns of an American oil company exec. The rest of the time, the nation's safety is menaced by vengeful Serbs, Chechen separatists (again, caught up in a U.S. plot of which they know nothing), and a pissed-off ex-member of the British special forces. It's an odd but effective bait-and-switch: Though "24" trades upon post–September 11 anxieties for its sense of urgency and moral purpose, the world in which it takes place seems almost entirely untouched by September 11.

This contradiction between intended message and actual one extends to "24"'s underlying moral philosophy as well. The central mythos of the show is that Bauer is a superhuman patriot who will sacrifice anything for the good of the country. Except, of course, when he doesn't. In the very first season, Bauer is forced to weigh two conflicting duties: preventing terrorists from assassinating presidential candidate Palmer, on the one hand, and protecting the lives of his wife and daughter, whom the terrorists have taken hostage, on the other. And, far from privileging the former duty, Bauer repeatedly undermines Palmer's safety in his effort to keep his own loved ones alive. (His wife dies at the end of the season anyway, but he couldn't have prevented it.) One could argue that this elevation of the private over the public was appropriate in the first season, with its pre–September 11 origin and a terrorist plot that threatened only the life of a presidential candidate. But, as the stakes rise exponentially in subsequent seasons, the pattern repeats itself: Bauer's loved ones fall into harm's way in the midst of terrorist crises, and he does whatever it takes to save them—disobeying orders, diverting CTU resources, even jeopardizing national security.

Bauer is not alone. The question of public versus private duty is raised most explicitly in the third season, when the virus-wielding terrorist Stephen Saunders captures Michelle Dessler, the wife of CTU agent Tony Almeida. Saunders demands that Almeida allow him to escape a CTU siege or he will kill Dessler. Almeida saves his wife's life, but, in the process, endangers millions of others. And, while he is briefly imprisoned for treason, the show leaves no doubt that he did the right thing. As Bauer himself argues, citing Almeida's earlier work, "You should be putting a medal on him, not handcuffs." Of course, in all of these cases, everything works out: The loved one is saved, and the threat to the public is nonetheless averted.

That is not necessarily so, however, when a CTU character takes the opposite course and prioritizes patriotic duty over familial love. In season four, then–CTU chief Erin Driscoll is trying to juggle her job and her emotionally unstable young daughter, who is being cared for in the CTU infirmary. At just the moment Driscoll is scrambling to override the meltdowns of several nuclear reactors, the infirmary calls. Driscoll says it will have to wait. But when she arrives at the infirmary barely two minutes later, her daughter is dead, having somehow managed to slit her wrists right under the doctors' noses. It's hard to miss the point here: When your private and public obligations come into conflict, pay attention to the former.

Luckily, the terrorists also seem to prize the personal over the political. A series of otherwise ruthless, fanatical killers give up when Bauer threatens their children. Indeed, it frequently turns out that even the motives that lead the show's villains to attack the United States in the first place are more individual than ideological. The main baddie of the first season is a Serbian warlord who targets Bauer and Palmer because of their roles in a botched covert operation to take him down. In season three, Saunders's viral scheming is due to his bitterness at having been left behind by Bauer on that very same Balkan mission. And, in season five, a former CTU agent's involvement in the president's conspiracy is due in part to Bauer's having drummed him out of the agency for corruption. It all raises the possibility that Bauer could best safeguard the United States by moving elsewhere and bringing his collection of vendettas with him.

"24" IS CLEVER entertainment—riveting and occasionally thought-provoking. Is it the "central moral-political drama of our time"? Hardly. But, even if the saga of Jack Bauer is not a serious commentary on this anxious moment in American history, it does reveal a great deal about the seriousness of a culture that could mistake it for one.

After September 11, there was much talk of how we as a nation were going to shed our innocence and enter an age of greater common purpose, in which politics would cease to be petty and irony would be extinguished. Obviously, it didn't work out that way. The attacks wounded the American psyche, but they had precious little impact on American life. Though we pay lip service to the enormity of the attacks, we still drive the same cars and watch the same silly TV shows and engage in the same partisan squabbles.

"24" is, in some ways, the perfect cultural artifact for this post–September 11 moment. It extols patriotism but doesn't quite believe in it, preaches a self-sacrifice it practices only intermittently, and offers up a world in which the choices are always impossible but the answers are always right. On the surface, it flatters our belief that we're better now, more stoic and unselfish, committed to ideals larger than our individual wants and needs. But, below, it reassures us that it's OK to place our own households first, that politics is empty if not actively corrupt, and that belief in a cause will only lead to disillusion or betrayal.

It's been four and a half years since "24" first stepped out into the unexpected shadow of a national tragedy. But it remains to this day what it was from the beginning—the orphan of a more frivolous age, trying hard to prove it is tough and serious enough for the rigors of a post–September 11 world. Just like the rest of us. ■

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Why Not Regulate Marijuana Like Alcohol?

- Marijuana is far safer than alcohol because it does not stimulate aggressiveness and is not nearly as addictive.[1]
- To save $7.7 billion in enforcement costs.[2]
- To produce $6.2 billion in tax revenue (which could be used to pay for education, treatment and prevention for all drugs.)[2]
- To deprive cartels and gangs of a major source of revenue.[3]
- To significantly enhance the effectiveness of our police and courts. (Current annual marijuana arrests exceed 700,000 per year.)[4]
- To separate marijuana from far more dangerous illegal drugs, ending the "gateway" to drug dealers we now have.[5]
- To reduce hypocrisy and make drug education more credible and effective.[6]
- To end prisons doing far more damage to users than the drug itself.[7]
- To end the breaking of the law by otherwise law abiding citizens, especially the more than 900,000 children under 18 years old who buy and resell marijuana.[8]
- To remove major barriers to research for medical use.[9]
- To reduce violence in general and safeguard law enforcers.[10]

And because it would not have been banned at all but for a political scoundrel![11]

("...Anslinger's campaign may have been just a tool in the beginning, but fueled with this kind of racial tinder, it quickly got out of hand. The Treasury Department was barraged with cries for help from civic leaders:'I wish I could show you what a small marijuana cigarette can do to one of our degenerate Spanish-speaking residents...") *To be continued next month.*

Common Sense for Drug Policy

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Kevin Phillips, ex-populist. Elite Model

BY JOHN B. JUDIS

KEVIN PHILLIPS'S *American Theocracy* has hovered near the top of the best-seller list this spring. It is suffused with indignation at what George W. Bush and his father have done to the Republican Party and the United States: "[O]ver three decades of Bush presidencies, vice presidencies, and CIA directorships, the Republican party has slowly become the vehicle of ... a fusion of petroleum-defined national security; a crusading, simplistic Christianity; and a reckless credit-feeding financial complex." Under the Bushes, writes Phillips, the United States has embraced "high-powered automobiles, air strikes, and invasions," become "the world's leading Bible reading crusader state," and suffered from "burgeoning debt levels" and the "implosion of American manufacturing."

These are harsh judgments, but they are not unusual. They can be found regularly in *The Nation*, *The American Prospect*, and even occasionally in THE NEW REPUBLIC. What is unusual is the man making them. Thirty-seven years ago, Phillips, while serving as an aide to Richard Nixon, published *The Emerging Republican Majority*, which predicted that the GOP would solidify its political power through electoral gains in suburbia and the Sun Belt (a term Phillips coined). In the mid-'70s, after Nixon's resignation, Phillips helped found the militant movement of social conservatives known as the New Right. He was among the first to appreciate the contribution that Christian conservatives would make to a new Republican majority, and he welcomed the formation of the Reverend Jerry Falwell's Moral Majority. The question now is: How did a man who did so much to make the Republican Party the force it is today come to so detest it?

Phillips's defection is most often attributed to his populism. And it's true that Phillips was initially far more of a populist than a Barry Goldwater conservative. He backed the New Deal but condemned the Great Society for "taxing the many on behalf of the few." He saw himself as the tribune of "the Idaho loggers, Carolina farmers and ethnic steelworkers" against the "Yankee, silk-stocking establishmentarians." And he was repulsed when he saw the Republican Party of Ronald Reagan and George H.W. Bush adopt policies that favored the rich and replace the older liberal elite with a new *arriviste* conservative one.

But, if Phillips was once a populist, he is certainly not anymore. While retaining his disdain for patricians like Bush 41, Phillips has turned against the "new South Boston–Georgia–Idaho 'populist conservatives'" he used to laud. In the 1980s, he became increasingly concerned with the economic health of the country. And, when middle Americans—the heart of the Republican majority that he had so heralded a few years earlier—irresponsibly backed the supply-side, favor-the-rich economic policies of Reagan and Bush because of barely plausible appeals to cultural solidarity, Phillips threw up his hands and, in a sharp irony, became one of the very silk-stocking establishmentarians he once scorned.

BORN IN 1940, Phillips grew up in the northeast section of the Bronx, a middle-class enclave peopled primarily by Italians and Irish. New York was a Democratic city, but quite a few Italians, in opposition to the Irish Democratic machine, voted Republican, and Phillips's part of the Bronx had a Republican state senator and later a congressman, Paul A. Fino. But Italian Republicans like New York Mayor Fiorello LaGuardia were as supportive as their Irish Democratic counterparts of Franklin Roosevelt's liberal programs. By the early '60s, however, the influx of Puerto Ricans into New York, the growth of a militant civil rights movement among blacks, and the riots in Harlem were threatening the city's liberal Democratic consensus, as the city's white ethnic voters blamed blacks and Puerto Ricans for rising crime and taxes and resented federal expenditures on their behalf.

Phillips himself was neither Italian nor Irish. His ancestors were a blend of English, Irish, Scottish, and Welsh. His father was Catholic and his mother was Protestant. He went to the Bronx High School of Science rather than to a Catholic school. "My religion was reading the Sunday papers," he explained. His father, William Phillips, was an official with—and, later, the executive director of—the New York State Liquor Authority, making the family upper middle class. Kevin inherited his father's Republican politics and, perhaps because he was an outsider in his own neighborhood, grew up fascinated by how New York's ethnic and religious rivalries affected the city's politics. "The whole secret of politics," he told author Garry Wills in 1968, is "knowing who hates who." At 15, he was drawing up precinct maps and poring over almanacs. At Colgate, which he attended as a National Merit Scholar, he wrote his thesis on the ethnic and religious vote in the 1928 and 1960 presidential elections.

After graduating, he went to Harvard Law School, a path that he could have taken into the patrician upper classes. But Phillips's experience in Cambridge strengthened his identification with the middle class—and the Republican Party. Harvard, he later wrote, was filled with "long-haired kids driving Jaguars their permissive dads gave them." Harvard's Republican Club, he told reporter E.J. Dionne in 1990, "contained all these kids from unfashionable places. All the kids in the Democratic Club were the sons of New Deal lawyers who had 'III' after their names."

As a teenager, Phillips had volunteered on Fino's campaigns, and, after graduating from Harvard, he got a job as his administrative assistant. Fino typified the movement of

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ethnic Republicans and Democrats away from the liberal consensus. He remained liberal on core New Deal issues like Social Security, but he voted against Lyndon Johnson's war on poverty, which he saw as a giveaway to "poverty commissars and generals." Phillips, too, supported New Deal ideas—even going beyond them to back national health insurance—but he deplored "silk-stocking" liberals who "send their kids 2,000 miles to look for poverty in Mississippi but won't travel one subway stop to help poor whites working for $1,800 a year." When Phillips envisioned a new Republican majority, it embodied this mix of cultural conservatism and New Deal liberalism. Its leading practitioner was not Barry Goldwater but Richard Nixon, who would rail against rioters and promise "law and order" but still appoint Daniel Patrick Moynihan as his domestic policy adviser.

So, in early 1968, the gangly 27-year-old Phillips interviewed with Pat Buchanan, then Nixon's campaign speechwriter and adviser. "He told me about these four counties in Dixie that had voted Republican since 1896," Buchanan recalls. "I said to myself, 'This fellow knows a hell of a lot more about politics than I do.' " Phillips was hired and spent the campaign writing memos for the candidate. The next year, Phillips published *The Emerging Republican Majority*, in which he predicted that "the Negro socioeconomic revolution and liberal Democratic ideological inability to cope with it" would break up the Democratic Party. Some liberal Republicans from "the Pucci and Porsche precincts of the Northeast" might become Democrats, but former Democrats in ethnic suburbia and in the Sun Belt would defect to the Republicans. Phillips predicted that, in 1972, many of the 13.5 percent of voters who had supported breakaway third party "populist" George Wallace in 1968 would embrace Nixon, giving him an easy victory. Which is what happened.

Phillips painted this Republican realignment as "a populist revolt of the American masses" against "the mandarins of Establishment liberalism." But, when Phillips was asked whether he supported Wallace's populism, which was based on opposition to racial integration, he avoided the question. He argued that the racial realignment of the parties was "inevitable." In fact, as would become clear later, Phillips, like many armchair populists, had an idealized and self-deceiving view of the middle class. What mattered, above all, was that the "Alabama truckers" and "Idaho loggers" were going to be voting Republican.

PHILLIPS'S FAITH IN the emerging Republican majority was to be short-lived. Phillips, who had quit the administration in March 1970 to become a columnist and radio commentator, felt vindicated by Nixon's landslide in 1972. But—in the aftermath of Watergate, the Republican rout in 1974, and the choice of "Old Guard" Republican Gerald Ford to replace Nixon—he despaired of the GOP. He began working closely with a group of other young, discontented conservatives. These activists—who included Paul Weyrich, Howard Phillips, and Richard Viguerie—formed the nucleus of what Phillips would label the New Right. The New Rightists dismissed the Ford Republicans, who, Phillips charged, "don't want a 'New Majority' coalition in which they lose control to the new South Boston–Georgia–Idaho 'populist conservatives.' "

Phillips saw the New Right as a "populist conservative" movement that went beyond opposition to busing and civil rights. It was based on a "conservative counterreformation" percolating in the Sun Belt and the Midwest that he compared favorably to the older Catholic counterreformation. "Religions such as the Baptists, Church of Christ, Pentecostals, Jehovah's Witnesses and the Jesus Freaks are all on the same rise," Phillips wrote in his book *Mediacracy*. But, he warned, "neither existing party structure really lends itself to the articulation of the philosophical themes of the counterreformation."

So, in 1975, he and other New Right activists began discussing whether to run a third party candidate for president who could mobilize this new majority and counterreformation. Phillips wrote a column in *Newsweek* touting a Reagan-Wallace ticket. And, in late spring, the group met Reagan at the Madison Hotel in Washington, hoping to convince him to take up the New Right banner. But Reagan turned them down flat. He only wanted to run as a Republican. Phillips wrote later that "some participants" were "put off" and perceived Reagan "as a stereotyped country club Republican." Phillips was one of them.

Reagan, of course, lost his 1976 bid against Gerald Ford, but, after he was elected president in 1980, the Californian confirmed Phillips's earlier fears. The first event to incur Phillips's wrath was the "record $16 million" inaugural. During the festivities, Phillips wrote, Reagan "seem[ed] to spend half his time going to parties thrown by New York, Washington, and Los Angeles high society. North Carolina and South Dakota did not elect Mr. Reagan for his taste in limousines, formal morning attire, or Parke-Bernet antiques." But, more significantly, Reagan disappointed Phillips when he embraced supply-side tax cuts. Phillips, who never bought the argument that the tax cuts would increase revenue, criticized Reagan for "hitching his political future to the fiscal theories of Calvin Coolidge's and Herbert Hoover's treasury secretary Andrew Mellon."

At the same time, Phillips was also developing qualms about populist conservatism. Indeed, when neo-Nazi candidates for office won Republican primaries in California, North Carolina, and Michigan in 1980, Phillips warned that "the American public is seething with anger, distrust and alienation." In his book *Post-Conservative America*, which appeared in 1982, Phillips warned that, when Reagan tax cuts didn't bring prosperity, their failure would unleash the "populism and socio-economic yeast [that] now bubbles just below the surface of what is called Reagan conservatism." The yeast could "metaphormose into extreme radicalism" reminiscent of 1930s Germany.

But Phillips's outlook was changing in a more fundamental way. As he lost faith in Republican conservatism

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and the New Right, Phillips became increasingly concerned with the apparent decline of U.S. industry—evidenced in widening trade deficits to Japan and Western Europe and the growing weakness of the U.S. auto, steel, and machine tool industries. Phillips began spending much of his time talking to business groups. Along with his influential political newsletter, the "American Political Report," he founded a business newsletter, "The Business & Public Affairs Fortnightly," that covered the growing debate over trade and industrial policy.

Phillips's model for dealing with economic decline was what Nixon and Treasury Secretary John Connally had done in 1971 when faced with the nation's first twentieth-century trade deficit and with a potential run on the nation's gold reserves. Nixon and Connally abandoned the gold standard, set up wage-price controls, and threatened to block Japanese imports if they would not revalue their currency. In 1984, Phillips published a book, *Staying on Top: Winning the Trade War*, in which he rejected Reagan's laissez-faire strategy and called instead for a coalition between business and labor and between liberals and conservatives to back government intervention to revive American industry.

Phillips now referred to himself as an "economic nationalist" rather than a "populist conservative." His defense of industrial policy reaffirmed his rejection of conservative economics and his return to Nixonian economic nationalism. (Indeed, Phillips had visited Nixon to discuss his ideas, and Nixon provided a blurb for the book.) And his emphasis on economics represented a clear break with the New Right's emphasis on culture and religion.

PHILLIPS FINALLY BROKE with the GOP for good over the presidential nomination of George H.W. Bush, who embodied everything Phillips hated about Reagan's Republican Party. It was bad enough that the Reagan of Dixon, Illinois, had used cultural populism to win support for his conservative economic agenda. But seeing Bush eating pork rinds was the last straw for Phillips.

Bush's patrician mien had long infuriated him. In 1970, he had written a column criticizing Nixon's appointment of Bush and three other "nonideological middle-of-the-road Ivy Leaguers." Five years later, Phillips criticized Ford's appointment of Bush as CIA director on the grounds that Bush was a representative of the "old, genteel, business-oriented GOP." In 1980, Phillips warned Reagan not to choose Bush as his vice president because he was "a symbol of yesterday's Republicanism—and the son of a Wall Street stockbroker, educated at Greenwich Country Day School, Andover Academy and Yale."

In the 1988 campaign, Phillips had criticized Bush as someone whose "zip-a-dee doo-dah Eastern preppiness" made him a "poor candidate to rally the electoral coalition of Nixon and Reagan." But, when Bush invoked flag, faith, and Willie Horton to defeat Democrat Michael Dukakis, Phillips recoiled at the hypocrisy of using populist appeals to divert the electorate from the damage that Reagan and Bush's economic policies had done to the country. Bush, he wrote, "tried out a populist image. ... Yet the America Bush truly represented was that of old multigenerational wealth—of trust funds, third generation summer cottages on Fisher's Island and grandfathers with Dillon Read or Brown Brothers Harriman—which accepted the economic policy of the Reagan era despite its distaste for its *arriviste* values."

During the 1988 campaign, Phillips praised Democrat Richard Gephardt for his economic nationalism and Jesse Jackson for pushing the Democrats back to "'common man' economics." Two months after the Bush administration took office, he described it as "one of the least capable in recent U.S. history." And, in 1990, he published *The Politics of Rich and Poor*, which indicted the Reagan and Bush administrations for "intensifying inequality" and allowing foreigners to "gobble up large chunks of America." In the past, Phillips would have criticized Reagan and Bush's economic policies because they did not appeal to "Idaho loggers, Carolina farmers and ethnic steelworkers," but, in *The Politics of Rich and Poor*, he criticized them because they "worked against the national interest."

When *People* asked Phillips in 1990 whether he was still a Republican, he replied, "I'm a Nixon Republican, not a Bush Republican. Nixon is a Middle American Republican, and Bush is a Park Avenue–Palm Beach Republican. In the Nixon administration, you heard terms like 'silent majority' and 'Joe Six-Pack.' What you get out of Bush is capital gains, and a speed boat off his cottage in Kennebunkport." But, of course, the Republican Party of Richard Nixon no longer existed; so, after 1988, Phillips was a man without a party whose writings would be lavishly praised by Democrats and condemned by conservative Republicans.

IN 1997, PHILLIPS and his wife moved out of upscale Bethesda, Maryland, and settled in tony Goshen, Connecticut, where they maintained a summer home. Phillips shut down his newsletters, and, disillusioned with contemporary politics, undertook a history of Anglo-American politics. But, in the last four years, he has returned to the fray, publishing three long political works: *Wealth and Democracy*, *American Dynasty*, and *American Theocracy*. These books are not of the same quality as Phillips's early volumes. They are marred by repetition, pedantic detail, gnawing inconsistency, the interposition of rumors among facts, and an awkward attempt to fit U.S. ills into a cyclical theory of history modeled on Paul Kennedy's *The Rise and Fall of the Great Powers*. But, like all of Phillips's books, they contain astute observations of American politics. And they are important because they showcase Phillips's final break with populism.

American Dynasty and *American Theocracy* both appeared after George W. Bush invaded Iraq, and both books seethe with a rage—partly a function of Phillips's oppo-

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sition to the war—that is missing from Phillips's earlier works. Phillips throws everything he can at the two Bushes—from George H.W. Bush's suspected role in the October Surprise in 1980 to George W. Bush's suspected arrest for cocaine. Phillips portrays W.'s election as a "dynastic succession" made possible by crony capitalism, campaign chicanery in Florida, and populist manipulation. The father's "political Achilles heel" was his "cultural schizophrenia ... an unstable mix of genteel northern moderate conservatism and the two-gunned Texas brand." The son, with "the cow country accent, the rumpled clothing, the chewing tobacco, the style of religiosity, the moral fundamentalism, the outsider language, the disdain for the Harvards and Yales, the six-gun geopolitics, and not least the garb of a sinner rescued from drink and brought to God by none other than evangelist Billy Graham," was "almost a caricature overcorrection of several of his father's greatest political weaknesses."

In *American Theocracy*, Phillips charges George W. Bush and his father with promoting "a reckless dependency on shrinking oil supplies, a milieu of radicalized (and much too influential) religion, and a reliance on borrowed money." The invasion of Iraq, Phillips argues, was intended in part to "rebuild Anglo-American oil company reserves, transform Iraq into an oil protectorate–cum–military base, and reinforce the global hegemony of the U.S. dollar." But religion also played a role. "There is something about Iraq—most cynics would nominate oil, but the influence of the Bible is also relevant—that clouds the competence of Anglo-American invaders and occupiers," Phillips writes. It is in his discussion of religion that Phillips reveals just how much his attitude toward the middle class has changed.

In the '70s and early '80s, Phillips applauded the spread of Christian conservative politics. It was an essential part of populist conservatism. It was the middle class "counter-reformation" against the secular liberal elites. "Sociologists in the '60s," Phillips wrote, "mistakenly identified populism with the left and played down the much more important demographic implications of people who ... spent time listening to fundamentalist preachers, often on television." Reagan's largest gains, Phillips explained approvingly in 1982, were among voters "with cultural and religious issues on their minds—Northern Catholics, Orthodox Jews, Western Mormons, and white Southern fundamentalist Protestants."

But, in *American Theocracy*, he condemns "the increasingly narrow, even theocratic, sentiment among Republican voters" as a threat to American science and democracy. Phillips writes, "No leading world power in modern memory has become a captive, even a partial captive, of the sort of biblical inerrancy ... that dismisses modern knowledge and science." Phillips simply has no patience with this large part of the Republican middle-class base. It "favors military intervention in the Middle East to promote the fulfillment of end-times prophecy and the second coming of Christ," rejects the climate-change treaty because it is "incompatible with the Book of Genesis," and believes in "the rights of embryos" and "the prerogative of the sperm and egg to join" over "the arguable rights of women."

In Phillips's earliest works, militant Christianity was a commendable expression of populist protest. In *American Dynasty*, Phillips sees it as manipulated by economic conservatives. "The right," he explains, is "mobilizing religious conservatives to bolster a corporate and financial agenda." In *American Theocracy*, he depicts cultural conservatism as a form of false consciousness that requires no direct manipulation from above. "Some 30 to 40 percent of the Bush electorate, many of whom might otherwise resent their employment conditions, credit-card debt, heating bills or escalating cost for automobile upkeep (from insurance to gas prices), often subordinate these economic concerns to a broader religious preoccupation with biblical prophecy and the second coming of Jesus Christ."

Admittedly, even at the height of his populist fervor, Phillips had shown signs of distaste for certain aspects of middle-class culture. Explaining during the 1968 campaign why a Nixon endorsement by actor John Wayne would go over well among Southern voters, Phillips told reporter Joe McGinniss, "Wayne might sound bad to people in New York, but he sounds great to the schmucks we're trying to reach. ... The people down there along the Yahoo Belt." But, in his earlier books, Phillips always concealed any hint of such contempt.

In *American Theocracy*, by contrast, Phillips no longer makes any effort to identify with those parts of the middle class that enthusiastically supported George W. Bush and the Republican Party. Phillips notes that the top four states where Bush has done better than Ronald Reagan—Alabama, West Virginia, Kentucky, and Tennessee—are "fundamentalist and evangelical strongholds notable for their unimpressive rankings in education, mental health, child poverty and homicide rate." He even rejects the "car culture" and "hydrocarbon culture" of the South, Southern border states, and prairie states—noting that all "thirteen states with 75 mph speed limits ... all lopsidedly backed George W. Bush for election." So did "spectators at NASCAR events." This culture, Phillips writes, prefers "conspicuous consumption over energy efficiency and conservation," and it sustains the rule of an "oil, automobile, and national security coalition" in Washington. Exit Phillips the populist.

Phillips's journey from *The Emerging Republican Majority* to *American Theocracy* has certainly not been unique. He is one of several notable Republicans who drifted from the party in the late '80s because of Bush's indifference to the economy, and the Iraq war has driven many Nixon Republicans from the GOP, too. But Phillips is notable because he developed so much of the strategy and ethos of the movement he has now left. Phillips virtually invented the culture war that enabled the rise of the Republican Party. But, with *American Theocracy*, Phillips has finally switched sides. He may remain a Nixon Republican, but, in his cultural attitudes, he now typifies "the Pucci and Porsche precincts of the Northeast" he once disdainfully rejected. ■

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BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Drama and Disorder

IN 1957 ANNA AKHMATOVA WROTE a long poem called "Requiem 1935–1940," about a particularly grim time under Stalin, when she often visited a loved one in prison. In a brief prose preface to the poem, she speaks of one day when she was standing outside the prison in the visitors' line and a woman recognized her.

She asked me in a
whisper (everyone
whispered there):
"Can you describe this?"
And I said: "I can."
Then something like a smile passed
fleetingly over what had once
been her face.

This is the absolute essence of a universal and historical hunger. In any age, in any country, people have wanted art—song or poem or dance or drama—to deal with tremendous events in their lives. "Deal with" here means transmuting such an event into some kind of availability, even though it may at first be too large to comprehend.

UNITED 93 can be seen as an act in that ancient pattern. This film deals with the one part of the quadruple attack of September 11, 2001 in which only the people in the plane were killed. All of us—I can't believe there were any exceptions—were struck with anguish and awe by the account of the passengers on that flight who chose to overpower the terrorists and crash the plane rather than allow it to proceed to its target, the White House or the Capitol. We measure such an action against whatever it is we know about ourselves. What would we have done if we had been on that plane? The best I can say for myself is that I don't really know. But we all know what some of those passengers did, must have done.

UNITED 93
(Universal)

CLEAN
(Palm)

The English writer-director Paul Greengrass knew before he started that the source materials were scarce. The 9/11 Commission Report apparently contains all that is so far known about what happened on the plane; and there are also recordings of telephone calls that some of the passengers were able to make. What happened in the various flight control centers is of course a matter of record. (In those scenes some of the actual people who were involved play themselves.) But in good measure the sequences on the plane itself had to be imagined by Greengrass, who apparently utilized what he was able to learn about those passengers from their relatives and friends.

This limitation in source material has had a peculiar effect on the script. Never is there a moment of repulsive sentimentality or exploitation, but neither is Greengrass able to realize an ultimate purpose. The basic justification for the film had to be celebration—of the heroism of these passengers. If Greengrass, in his enforced ignorance, had treated them as gung-ho heroes, it would have felt facile and disgusting. The film finishes when, alerted by phone calls about the three crashes in Manhattan and Washington, some of the passengers rush the terrorists, so we are left without something that would have been false if it had been included—an ending. Thus the film doesn't help us to admire those passengers any more than we did when we read the first news reports. Unlike innumerable works of art about historical tempests, *United 93* leaves us pretty much where we were before it appeared.

The picture begins with the four terrorists at prayer in their New York hotel room, hushed and devout. This atmosphere is more than a contrast with the hustle of Newark Airport, where they are next seen: it is an implicit statement of the quality of these Muslims' hatred of our society. Greengrass dramatizes Western hustle throughout, even when the action is not hectic: he uses Barry Ackroyd's handheld camera to keep our view of things nervous, kinetic. (I can't remember a film in which the camera is handheld more than here.) Three editors—Clare Douglas, Christopher Rouse, Richard Pearson—composed a film that is a barrage of short takes cleverly knitted together.

The cast of passengers and crew serves its purpose—to present ordinary people going to a fate that is not in their remotest imaginations. To see the flight captain and co-pilot checking the plane before takeoff, to watch the varied passengers settling into their seats, is more agonizing than watching passengers board the ship in all those *Titanic* films. With *United 93* we see these people unknowingly stepping into a history that is still in terrible process. But as a work in (let's call it) the Akhmatova mode, it does not and could not succeed.

Note: A made-for-television film on the same subject, called *Flight 93*, is much lesser than Greengrass's work—deplorably compressed until the end, where it is deplorably distended.

CLEAN, a French film in French and English, burrows its way through a social stratum that interests its maker very much and which he makes moderately interesting to us. Olivier Assayas is the writer-director, and his interest is in the rock world—not of fantastic success but of gritty non-success. Emily Wang is almost a has-been: she has sung in clubs, in London particularly, but has acquired a heroin habit with her common-law husband, and is struggling to keep hopeful. She moves from western Canada, where the picture opens, to London and Paris, working at any kind of job she can find, kissing friends and former friends in the hope of getting her rock career back on track.

Assayas puts Emily in a story about her struggle to regain her small son, who is now with his father's parents; about her husband's death from an overdose;

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about her own six-month prison sentence for possession; and more. But all these maneuvers—faintly soap-operatic in this strenuously cool film—are essentially about the shadowy chaotic world just outside the glare of rock success.

Maggie Cheung, who was in Assayas's *Irma Vep*, plays Emily with a semi-detached feeling—observing the role as much as portraying it. The chief pleasure in the picture is Nick Nolte's performance as the boy's paternal grandfather. Nolte spent his early film years capitalizing on his size—immense—and his taciturn yet commanding personality. Suddenly he burst out of his stereotype. In *Affliction* (1997) he played a roughened New Englander, a character looking for an O'Neill play to be in. (I'll never forget the scene in which he pulled out his aching tooth with a pair of pliers, then swirled whiskey in his mouth.) And he has kept on acting, really acting. In *Clean*, he is warm, strong, and truthful. ■

LEE SIEGEL ON TELEVISION
Hedonism

WHERE WOULD THE news cycle be without HBO? With the advent of *Big Love*, the premium cable channel's new series about a polygamous husband living with his three wives and seven children in Mormon Utah, the media is buzzing with stories about the fate of marriage, the history of and the prospects for polygamy, the true nature of Mormon spirituality, and so forth. When the series' villain, Roman Grant—a sinister church elder desiccated by lucre and lust—argued in one episode that legalizing gay marriage also justified the official sanction of polygamy, you could almost feel the undertow of gratitude beneath the ensuing wave of contentious chatter. I mean, didn't Scalia warn precisely about that? Culture events such as *Big Love* are to the media what the doings of a mysterious new family are to gossip in a small town.

In fact, constructing its shows along the lines of small-town gossip might be the secret of HBO's success. Gossip huddles most intensely in response to the strange, and the overlords of HBO are supremely gifted strangeness-mongers. For all the "cutting-edge" sophistication of shows such as *Big Love*, *The Sopranos*, *Oz*, or *Six Feet Under*, all explorations of the margins and the peripheries of American society, they have (or had) the same effect that gossip has. Their weirdness both normalizes your own most unsettling impulses and gets your vicarious wheels turning. But the latter effect is much stronger than the former.

Television drama as strangeness-enabler is something relatively new. Before cable made it possible to immerse yourself in a hallucinatory experience between dinner and bedtime, a different climate prevailed on the tube. Older shows sought out the everyday and diversified it with the exceptional. They then spent their half-hours or hours restoring either the funny new situation—*The Honeymooners*—or the violent new situation—*Dragnet*—to comfortable social order. Once TV looked for the extraordinary in the ordinary. Now TV looks for the ordinary in the extraordinary. What is so fascinating about a show like *The Sopranos* is the simultaneity of the routine and the horrific. It is sporadically reassuring because we see life resisting chaos and evil, and it is ultimately terrifying because we see life accommodating chaos and evil.

Commercial society's deepest aspiration, after all, is a synthesis of total instinctual gratification with the preservation of the social order. Remember "subliminal" advertising? We are now way past subliminal. Now you see a man ordering twenty more tablets of Viagra from the pharmacy on one phone, while on another phone, at the same time, he is exchanging pleasantries with one of his three wives, all of whom have him

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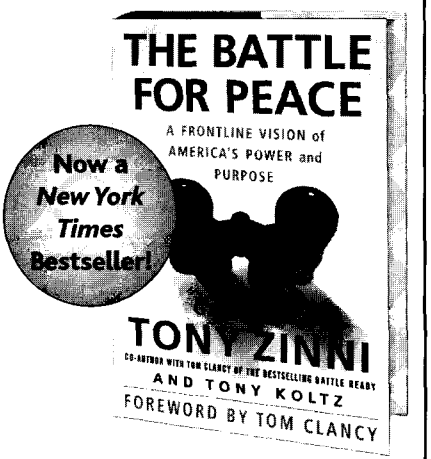
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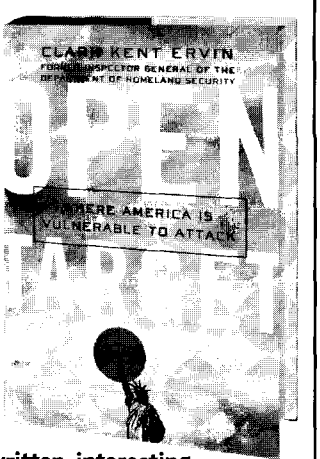

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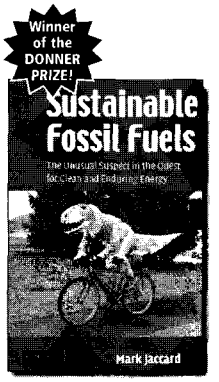

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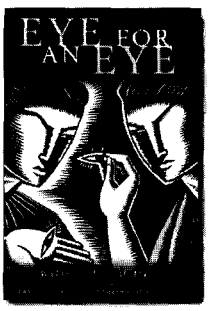

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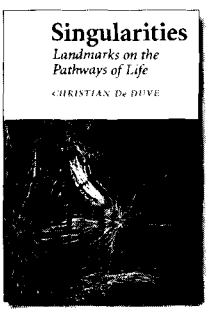

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racing back and forth between their different beds in separate houses like a bull in June. Now unconscious desire is as plainly visible on television as that iPod in your hand.

THE VIAGRA NEAR-FARCE WAS a scene from a recent episode of *Big Love*, a series that is one giant step closer to the fusion of conscious and unconscious planes of existence so desperately sought by television and commerce. Though *Big Love* has stimulated mild controversy about the "issues" it raises—patriarchy, misogyny, the status of the nuclear family—it is really, like *The Sopranos*, a sort of allegory. But it is not quite an allegory, because the cardinal quality of HBO's "dramatic series," as the cable channel likes to call them, is the spectacle of entertainment inviting art into its precincts only to wrestle the latter into submission once it arrives. Indeed, HBO has pioneered an unnerving and quite addictive style that might be called allegorical realism. Its extreme situations always verge on symbolic resonance, but they are too closely tied to familiar dialogue and context to acquire much abstract meaning. Diversion must have the last word.

Still, to stick these shows with pedestrian interrogations about subjects of social debate misses all the symbolic resonances. Just because people like James Frey have discredited the imagination doesn't mean that every product of the imagination has to measure up to the facts. The media might treat the latest cable drama as just another news story, but critics do not have to follow suit. And though (as we have been constantly told since *Big Love*'s debut) some thirty thousand to fifty thousand Americans live in polygamous relationships, the practice of taking multiple wives is hardly a social crisis too sensitive to lend itself to art. The question that Bill's wives keep asking themselves is: are we here by choice or are we trapped? That is to say, how much are you willing to pay for financial security, for emotional safety, for romantic or sexual attachment? That is a pretty fundamental question. Usually it gets asked when couplehood reaches a dramatic breaking point. The really absorbing quality of *Big Love* is that it can ask fundamental questions without constructing breaking points. The calm, ordinary course of a polygamous day is inherently combustible. You don't need any splitting to see the seams.

Some critics mocked *Big Love*'s creators, Mark V. Olsen and Will Scheffer, when they described the show as an "ideal template to look at marriage and family." The pair should not have said "ideal," but otherwise their formulation makes perfect sense. Ideal is precisely not what you would call the situation of Bill Henrickson (played by Bill Paxton) and his three wives: Barbara Dutton Henrickson (Jeanne Tripplehorn), his first wife; Nicolette Grant (Chloë Sevigny), his second; and Margene Heffman (Ginnifer Goodwin), the youngest and latest addition to the Henrickson ménage. On the contrary, a man with three wives magnifies into clear visibility the power dynamics—the jealousy, the subtle confusions inflicted on children, the protean relationship between sex and money—that lie invisible below the surface in most families. If the show is sometimes appalling in its spectacle of male domination and female subservience, then that is the homage it pays to truth.

How much lies concealed in Bill's remark to one of his wives: "Stewardship, not consumption, is the proper relationship to material wealth"! Not only is this the straight and narrow path held out as a challenge to believing Christians, Jews, and Muslims, it is also the test that commercial society imposes on its members. And it applies not just to material wealth, but also to the fact of marriage, in the form of another person whom you are legally bound to care for, not just legally allowed to exploit. The wonder of *Big Love* is that it has created a situation in which the current battle between religious and secular impulses is enacted in full view, as part of the daily grind. You smile when the non-polygamous Mormon coworker and friend of Bill and Barbara's daughter Sarah says that she plans to go do missionary work in the Middle East. With its evocation of harems and its universalizing of the polygamous instinct, *Big Love*'s orientalizing may do its bit to puncture the "clash of civilizations."

But the show has a more pressing relevance to our situation. On the one hand, Bill's polygamy, which he has to keep hidden, is a religiously sanctioned institution, as opposed to Roman's polygamy, which is coercive and child-corrupting. On the other hand, it is a religiously proscribed practice—the Mormon church banned it in 1890—that is

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also an eternal fantasy for most males between the ages of fifteen and eighty-five, from surfers to sculptors to surgeons. In other words, *Big Love*'s polygamy is a sacralized antinomianism, an institutionalized promiscuity, which may be another name for the American dream. No one wants to be curbed, but everyone wants to be right.

YET *BIG LOVE* HAS A BIG FLAW. It wants too much to entertain. Time and again, you yearn for the ironic complexity of art when you see Roman with his child bride, a barely teenaged girl whose personality is being destroyed before your very eyes; or witness Sarah's struggle to make a life for herself away from the mind-boggling bewilderments at home; or begin to sense the atmosphere of violence that seems to gather whenever sexual pleasure goes too far. But having raised sophisticated thoughts and emotions, *Big Love* generally falls back on easy meanings and abbreviated scenes.

There is some compensation in the stellar acting: Bill Paxton's almost uncanny portrayal of a kind of naïve yet determined lustfulness, and Jeanne Tripplehorn's pitch-perfect blend of resignation, hope, bitter regret, and quietly strong resolve. The tiresome Chloë Sevigny, a drowsy and affectless cipher, is for once just right: an empty actress playing an empty character who fills her vacant psyche with manipulations and machinations. The triumph of all the principal actors on the show is to portray relatively intelligent people who utterly lack self-knowledge—with the exception of Roman, wonderfully performed by Harry Dean Stanton, who is so chilling because, like Iago, he seems to know his own evil nature.

The most incomprehensible reaction to *Big Love* has been the complaint precisely about these shades and nuances that the actors bring into relief: the complaint that the show makes polygamy look boring. Making polygamy look like fun would hardly calm the slightly more legitimate concern about using a despicable social practice for the purpose of entertainment. (Anyway, polygamy cannot possibly be fun.) In fact, showing the dark side of gratification even as it allows viewers to gratify themselves vicariously is *Big Love*'s essential success. And this is the brilliant mechanism at the heart of HBO's best shows. *The Sopranos* (now in the middle of its sixth

Michael Moore's *Fahrenheit 9/11*

How One Film Divided a Nation

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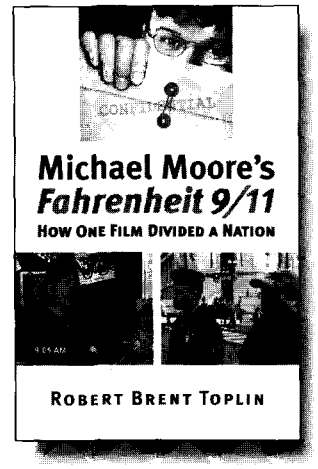

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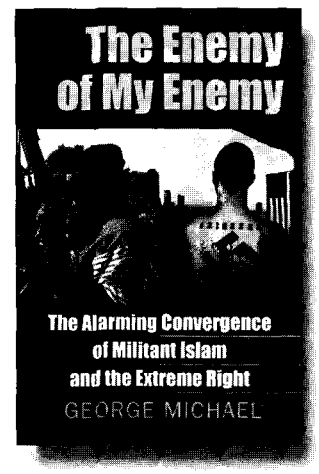

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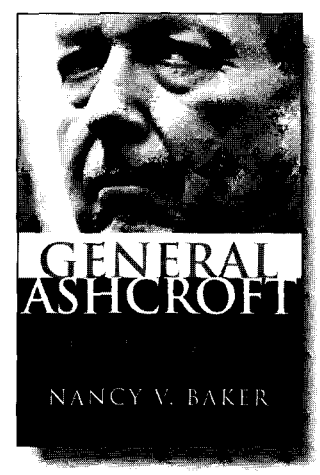

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season) is the grotesque spectacle of what happens when people immediately satisfy their basest instincts. *Sex and the City* exposed the loneliness and the instability that ensue when girls just want to have fun, for years on end. *Six Feet Under* and *Oz* were, in their very different ways, tales of self-indulgence and harsh—or brutal—consequences.

Even more than these other shows, *Big Love* is both the indictment of a commercialist ethos of gratification and the expression of it. As television grows less and less constrained in its imagination of the antinomian and the weird, you wonder where the emphasis will finally fall, on a new type of popular art or a new type of pandering to the appetites. ■

James Wood

Letting Go

EVERYMAN
By Philip Roth
(Houghton Mifflin, 182 pp., $24)

PHILIP ROTH'S NEW NOVEL is about death and dying, and about that long disease, life. It is trivially haunted by its near-namesake, the medieval mystery play, and substantially haunted by the canonical fiction about dying, *The Death of Ivan Ilyich*. Like the hero of Tolstoy's novella, whose life was "most ordinary and therefore most terrible," the nameless protagonist of *Everyman* is "an average human being," a regular integer.

Like Ivan Ilyich, Roth's universal victim is blindly healthy until the age of thirty-four, when what Tolstoy called "It" makes its appearance: "He lost his appetite and his energy and found himself nauseated throughout the day, and he could not walk a city block without feeling weak and woozy." He is suffering from a burst appendix. (Ivan's fatal sickness likewise begins as a pain in the side.) He recovers, and twenty-two average years pass, "twenty-two years spared the adversary that is illness and the calamity that waits in the wings. As he'd reassured himself while walking under the stars on the Vineyard with Phoebe, he would worry about oblivion when he was seventy-five." But at the age of fifty-six, death begins to swarm over him: he feels breathless, his coronary artery is blocked, and he must have bypass surgery. Thus begin fifteen years of heart-related travails, which will see him to his relatively early demise at the age of seventy-one.

Like Tolstoy, Roth is interested in the clinical shawl with which medical language covers illness. For Tolstoy, nineteenth-century medicine is an obvious sham, with its talk of "floating kidneys" and the like, and doctors are introduced only to be mocked. For Roth, modern medicine works until it does not, at which point its professionalized discourses look like flimsy stays, languages made untranslatable by death's undiscovered country. So this book is full of talk about stents and quintuple bypasses and renal artery obstructions and carotid endarterectomies, and Roth takes pleasure in forcing this language to share lexical premises with death: "I must, I must, he thought, my six stents tell me I must one day soon fearlessly say goodbye." Life becomes so overwhelmed by the vocabulary of sickness and its medical repair that life is itself sick: "He'd married three times, had mistresses and children and an interesting job where he'd been a success, but now eluding death seemed to have become the central business of his life and bodily decay his entire story."

In a telling reversal, religion, which is so massively significant for Tolstoy, is for Roth the equivalent of nineteenth-century medicine—an obvious fraudulence, nothing more than optimistic shamanism. In this respect, Roth's novella puts me in mind of Philip Larkin's great secular poem about the terror of death, "Aubade," which similarly writes off the consolations of religion, "That vast moth-eaten musical brocade/Created to pretend we never die":

> Religion was a lie that he had recognized early in life, and he found all religions offensive, considered their superstitious folderol meaningless, childish, couldn't stand the complete unadultness.... No hocus-pocus about death and God or obsolete fantasies of heaven for him. There was only our bodies, born to live and die on terms decided by the bodies that had lived and died before us.

But Roth's novella is most like Tolstoy's in its relentless didacticism. You must listen to the news I bring, both writers are saying; you must absorb it, you must change your life. Both books can make us feel that we are being bludgeoned into apprehension. *Everyman* begins with the funeral of the victim, and then reverses itself in order to tell his complete life story. Thematically, both novellas are centripetal, monologic: Roth continually reverts to "the adversary that is illness and the calamity that waits in the wings." Roth's protagonist first feels, as a young man walking on Martha's Vineyard, that the profusion of the stars tell him "unambiguously that he was doomed to die," and he fearfully resists this idea, for the blackness beneath the ocean "made him want to run from the menace of oblivion to their cozy, lighted, underfurnished house." After a successful career in advertising, he leaves New York City—chased out by the attacks of September 11—and settles in a retirement community on the beloved Jersey Shore of his childhood. There, unmarried and solitary, he is beset by loneliness and uncertainty, "hounded by the sense that he was headed for the end." Surrounded by other ailing seniors, he has limitless time to reflect on "the inevitable onslaught that is the end of life":

> Had he been aware of the mortal suffering of every man and woman he happened to have known during all his years of professional life, of each one's painful story of regret and loss and stoicism, of fear and panic and isolation and dread ... and of how, systematically, they were being destroyed, he would have had to stay on the phone through the day and into the night, making another hundred calls at least. Old age isn't a battle; old age is a massacre.

Everyman is in places quite beautiful, illuminated by that fine precision and relative spareness of language that has characterized Roth's work in his late phase. Like some of that work, notably

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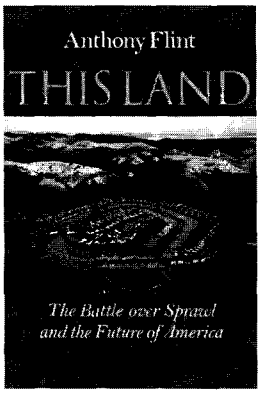
The Human Stain and *American Pastoral*, it starts well and ends even better, but it leaves the muddle of a middle somewhere behind it, like a sloughed skin. Long novels can survive muddle and sagging, but novellas cannot; and *Everyman* is a short work that does not feel compact enough. Despite some undeniably moving passages, the novella fails to gather its power: the sum of its parts is not finally as affecting as the parts themselves. Its teachings about death seem less lament than complaint, and the complaint has the rather weepy atmosphere of self-pity. In this respect, its difference from Tolstoy's very dry-eyed account of Ivan's dying is instructive.

ROTH'S GREAT TEMPTATION HAS always been sentimentality, an indulgence apparently impossible to separate from his writing about Jewishness and his ideological investment in Jewishness. In the last decade, Newark and the Jersey Shore have been increasingly charged, in part by an appeal to a once-untouched and unadmired Jewishness, with an Edenic innocence, a charm and simple familial goodness that existed from the 1930s until the great change of the 1960s, when the neighborhoods that people like Philip Roth grew up in became less habitable for people like Philip Roth. In *Sabbath's Theater*, a fabulously funny and powerful work, Mickey Sabbath idolizes his elder brother Morty, "the kindest elder brother in the world," who died in World War II. Their childhood together is remembered as idyllic, Mickey's mother and father united in perfect contentment until Morty's death changes everything:

> That was how content she was, immersed in everything that had to be done to keep her husband's accounts in order, to live peaceably alongside her elderly mother-in-law, to manage the daily needs of the two boys, to see to it, during even the worst of the Depression, that however little money the butter-and-egg business yielded, the budget she devised did not impinge on their happy development and that, for instance, everything handed down from Morty to Mickey, which was nearly everything Mickey wore, was impeccably patched, freshly aired, spotlessly clean. Her husband proudly proclaimed to his customers that his

Mind your head.

This Land
The Battle over Sprawl and the Future of America
Anthony Flint



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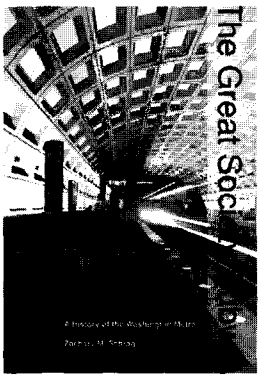

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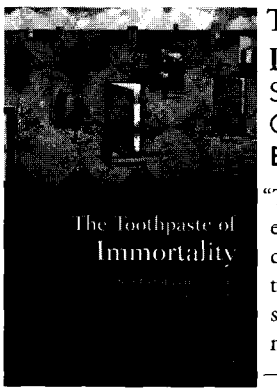

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> wife had eyes in the back of her head and two pairs of hands.

The hero of *Everyman* likewise reveres his athletic and successful elder brother, Howie, who is a fearless paragon, and had "played football in the fall and pole-vaulted in the spring, all the while garnering grades good enough to earn him a scholarship to the University of Pennsylvania and then admission to the Wharton School to earn an MBA.... Howie's vigor never lapsed, nor did his capacity to inspire confidence." Naturally, such a character is entirely imprisoned by these simple-minded plaudits, and seems to speak only in a version of the very sentimentality that produced him. At his younger brother's funeral, for instance, "his voice was husky with emotion when he whispered to his wife, 'My kid brother. It makes no sense.' "

The hero's father ran a jewelry store in Elizabeth called Everyman's Jewelry Store, and in the funeral eulogy that begins the book, Howie publicly recalls how his younger brother was fascinated with all the old watches brought in: "My little brother could sit there for hours, spinning the hands and listening to the watches tick, if they still did, and studying what each face and what each case looked like. That's what made that *boy* tick.... How that boy loved doing everything that went along with being the jeweler's reliable son!"

The jeweler, their father, was a spotless man, too, and Everyman's Jewelry Store was a piece of paradise. Like the parents in *Sabbath's Theater*, they made their utterly admirable way through the Depression. Roth writes that the funeral of Howie's brother was no different from scores of others occurring that day up and down the state, except for "Howie's resurrecting with such painstaking precision the world as it innocently existed before the invention of death, life perpetual in their father-created Eden, a paradise just fifteen feet wide by forty feet deep disguised as an old-style jewelry store." This is Jewish Disney, vulgar and cartoonish, and it is hard to resist the suspicion that Roth is not much censured for it in his work because its Jewishness—the rightful homage paid to a hardier generation, and so on—is thought to make it somehow allowable.

Just as Howie is a monolith of monochrome, so Howie's dad speaks only in sentimentalities, in the moist conventions of middlebrow ethnic fiction. When his son, the nameless hero of the novella, is hospitalized at the age of nine for a hernia operation, he whispers fortifying consolations in the boy's ear: "You can do it, son.... It's like when I give you an errand to run on the bus or a job to do at the store. Whatever it is, you never let me down. Reliable—my two reliable boys! I pop my buttons when I think about my boys. Always, you do the work like the thorough, careful hard-working boys you were brought up to be." Who really speaks like this?

Of course, a character has every right to be sentimental about his own childhood, even to the point of drowning in the bath of the family romance if he wishes to. (Near death, Ivan Ilyich feels that only his childhood was good, and that the rest of his life has been a steady moving away from that golden light.) But his creator does not have the same right, and the difficulty with these passages is that Roth seems to share similar feelings. The simple-mindedness is peculiar, because it runs the risk of making Roth, so intelligent a writer, seem unhelpfully dogmatic, a divider of the world into perfect and less than perfect, innocent and corrupt, before and after.

Most crucially, it is a mistake in a novella much occupied with wailing at death, because it can make that wailing seem at times more like an illusioned complaint about the loss of Eden ("the world as it innocently existed before the invention of death") than a disillusioned lament about the end of everything. The sentimentality about childhood and the past comes very close to infecting the question of death and dying with a relative of that same sentimentality. It is horrible to die: this, the novella must teach us. But the reader will be more restive at the proposition that it is horrible to die because one's childhood was enchanted and idyllic. The first proposition is anguished, a lamentation; the second is self-pitying, a whine. And at times the novella moves uneasily between the two appeals.

The virus of sentimentality always has a way of propagating itself. The women in Roth's novella are either bitter, abandoned, or hopeless wives—Cecilia, the hero's first wife, and Merete, his third; or they are divinely supportive angels—Phoebe, the hero's second wife ("the very best in the way of naturalness that Quaker Pennsylvania and Swarthmore College could produce," a very characteristic Roth sentence), and a sexy nurse named Maureen whose love and vitality nurse the hero back to life, and Nancy, the hero's Cordelia-like daughter, who has apparently been ideal since conception:

> He never really stopped worrying about her, nor did he understand how it happened that such a child should be his. He hadn't necessarily done the right things to make it happen, even if Phoebe had. But there are such people, spectacularly good people—miracles, really—and it was his great fortune that one of these miracles was his own incorruptible daughter.

The least one can say about a passage like this is that it does not sound like any plausible father, or any plausible daughter, and so it weakens our involvement in the quiddity of our everyman hero.

Sentimentality is a form of extremity, and the second great weakness of this novella is Roth's decision to push his theme to extremity, to fill his book with example after example of illness and dying and death. In the course of 182 pages, we encounter the following ailments and demises: the hero has a hernia at the age of nine and witnesses, in the hospital, the death of another child; he is hospitalized again at the age of thirty-four, with peritonitis; at fifty-six, he has his first heart surgery, followed by regular trips ever after, until his death. His father dies and then his mother dies. Phoebe has a stroke. At the retirement community, people are unwell and dying. One friend suffers from intolerable pain: "Nothing helps. I've had three operations. Each one is more extensive than the last and more harrowing than the last, and each one makes the pain worse." Her husband was vigorous until he was "felled by brain cancer." She kills herself with an overdose of sleeping pills. And just before the hero himself dies, he gets news of the fates of three colleagues: Brad Karr has been hospitalized for suicidal depression; Ezra Pollock has terminal cancer at seventy; and Clarence Spraco, suffering for years from heart trouble, dies at the age of eighty-four.

Well, what of it, Roth might say, this is what old age is like—not a battle but

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a "massacre." In recent interviews, this is exactly what Roth has said, and he has mentioned that he began this book the day after attending Saul Bellow's funeral, a little more than a year ago. Old age is lonely and full of illness and death, and memorial services, as Ralph Richardson once put it, are the cocktail parties of the over-seventy set (a joke temperamentally very different from the solemn tearfulness of *Everyman*). This is the missionary atmosphere of Roth's book: he is reporting from a war zone, he needs to tell us what things look like now—"an objective reading of the shit," as he put it in *Sabbath's Theater*. We are going to have our noses rubbed in that shit, and so be it.

The issue is not Roth's right to self-pity, but his book's. Aesthetically, it is not obvious that the best way to evoke the horror of dying is by overloading a short novella with many examples of it. The writer is trying a bit too hard; the misery overwhelms not us but the book's form, which threatens a deadening literalism. (Look, another death! And another!) An interesting didacticism becomes only propaganda. Tolstoy's novella, for different reasons having largely to do with its Christian preaching, does not avoid a similar charge of propaganda against it, so Roth is in good company; but much of the remarkable, burning power of that book has to do with the way Tolstoy keeps his gaze on a single example of dying, universalizing outward in concentric circles from that one laser-like dot of pain. Roth, by contrast, seems to want to universalize sideways, to gesture broadly and multiply from his many examples of dying and pain: not so much Everyman as Everyperson.

Tolstoy's great aesthetic advantage is his distance from Ivan, from Ivan's determination to ignore death and its implications for his life. The character resists death while the book teaches us not to resist it, and in this way works against the character. Roth's hero, by contrast, is deeply aware of death, terribly afraid of it, alerted apparently at the age of nine—and Roth's book, because of its endless supply of examples of death, is similarly aware, similarly afraid, so that author and hero become one in the reader's mind, and again the faint keen of self-pity, rather than the properly objectified sound of lamentation, is heard. The book cries to us, "This is awful." Or perhaps, "I feel awful." But I am not sure that one should finish *Everyman* feeling sorry for Philip Roth just because he seems to be miserable.

To be fair, Roth's story, while mindful of *Ivan Ilyich*, is also attempting different things, and it would be wrong to stress only the relative weaknesses. As in other work by Roth, the same literalism that can produce sentimentality, extremity, and coarseness also produces scenes and moments and sentences that only he can bring off. It is not especially moving when Phoebe has a stroke and her former husband visits her in the hospital, trying not to cry at her battered features (pure manipulation), but it is peculiarly affecting when Roth writes that his elderly hero has taken to watching the young female joggers on the boardwalk. One day he gets into conversation with one of them, and begins to make his old seducer's moves, even as the grotesquerie of the age disparity is obvious. She seems to be interested, a

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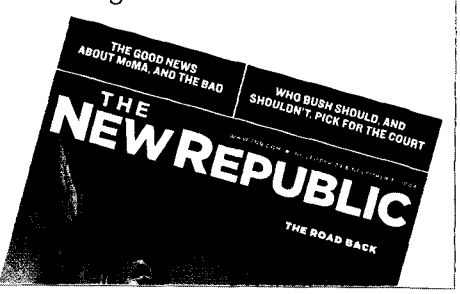

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phone number is exchanged, but she never runs that route again: "She must have decided to do her jogging along another stretch of the boardwalk, thereby thwarting his longing for the last great outburst of everything." That final phrase, "the last great outburst of everything," is a wonderful example of all that is best in Roth's recent writing: simple, toughly musical, almost plain, but capable also of a plain lyricism: Everyman's Everything.

There is plenty of writing like this in *Everyman*. Along with the tough short phrases there are marvelous long sentences, winding their way around parentheses and dashes and subclauses. One such occupies almost an entire page, as the hero remembers swimming in the sea, his rib cage scraping "against the tiny sharp pebbles and jagged clamshells and pulverized seashells at the edge of the shore," the little boy so intoxicated by the taste and the salty freshness of the sea "that he was driven to the brink of biting down with his teeth to tear out a chunk of himself and savor his fleshly existence." Lonely and isolated, the retired advertising man endures the slow process of reduction that is senescence, and Roth's prose, in lovely mimicry, reduces itself too, unafraid of directness and repetition:

> But now it appeared that like any number of the elderly, he was in the process of becoming less and less and would have to see his aimless days through to the end as no more than what he was—the aimless days and the uncertain nights and the impotently putting up with the physical deterioration and the terminal sadness and the waiting and waiting for nothing. This is how it works out, he thought, this is what you could not know.

Less, aimless, waiting, days, end, no more, nothing, know: the paragraph is made of very simple units, and it is one of those moments when one feels Beckett's breath on the page, as was the case from time to time in *Sabbath's Theater*, Roth's other death-filled book, whose hero announces, "No, no, I'll go on to the end."

Near this end, both of *Everyman* and of Everyman's life, the hero visits his parents' graves. The reader braces himself for unwanted lachrymosity, prepped for it by an earlier, teary description of the hero's father's funeral ("Many of the elderly were weeping now and holding on to each other"). Roth is practical and plain at the cemetery, as the hero meets the man who dug his parents' graves, and asks him about the business of gravedigging—how long it takes, how deep, and so on. This long sequence, in which Everyman repeatedly quizzes the gravedigger about the terms of his labor, does not exactly avoid the sentimentality it strives to escape; the literalism seems a little like a sentimentalist's idea of the strenuously anti-sentimental. Unlike the boisterous laborers of the last act of *Hamlet*, the African American gravedigger, ominously enough, seems to be a noble creature from the same moist club as Howie, Phoebe, Nancy, and Everyman's parents; his goodly wife even turns up with his packed lunch while the two men are talking.

Yet at the graves, the hero's dead parents are movingly practical, too, and suddenly, in an unexpected swerve, the absence of overt sentimentality is extremely affecting, in a way that is too rare, alas, in this book:

> His mother had died at eighty, his father at ninety. Aloud he said to them, "I'm seventy-one. Your boy is seventy-one." "Good. You lived," his mother replied, and his father said, "Look back and atone for what you can atone for, and make the best of what you have left."

But Everyman has no time left. Admitted to the hospital for a relatively routine operation on his right carotid artery, he dies:

> He went under feeling far from felled, anything but doomed, eager yet again to be fulfilled, but nonetheless, he never woke up. Cardiac arrest. He was no more, freed from being, entering into nowhere without even knowing it. Just as he'd feared from the start.

These are the book's last words, and they make the reader wish that the novella had found a form, a way of treating this subject in ruthless totality, as equivalently eloquent and unsentimental. That plain music is sounding again, the sentence apparently as simple as speech but in fact composed with utmost care, the words chosen for their alliterative force ("feeling far from felled") and the verbs ending with the same scything finality, *felled, doomed, fulfilled*: "feeling far from felled, anything but doomed, eager yet again to be fulfilled, but nonetheless, he never woke up." In a previous operation, he chose a local anesthetic and regretted it. This time, he chooses a general anesthetic and never wakes up. What Larkin called "the anaesthetic from which none come round" has claimed him, too. ■

Cass R. Sunstein

Virtues and Verdicts

JUSTICE IN ROBES
By Ronald Dworkin
(Harvard University Press, 308 pp., $35)

DURING THEIR RECENT CONfirmation hearings, John Roberts and Samuel Alito insisted on the importance of "following the law," and of distinguishing between a judge's personal moral commitments and his views about the Constitution. In drawing this distinction, both nominees recapitulated a discussion in the presidential debates of 2004, when the candidates were asked *what kind of person they would appoint* to the Supreme Court. President Bush replied, "I would pick somebody who would not allow their personal opinion to get in the way of the law. I would pick somebody who would strictly interpret the Constitution of the United States." Senator Kerry agreed. He said, "I don't believe we need a good conservative judge, and I don't believe we need a good liberal judge.... I want to make sure we have judges who interpret the Constitution of the United States according to the law."

For over three decades, Ronald Dworkin has been the most influential and illu-

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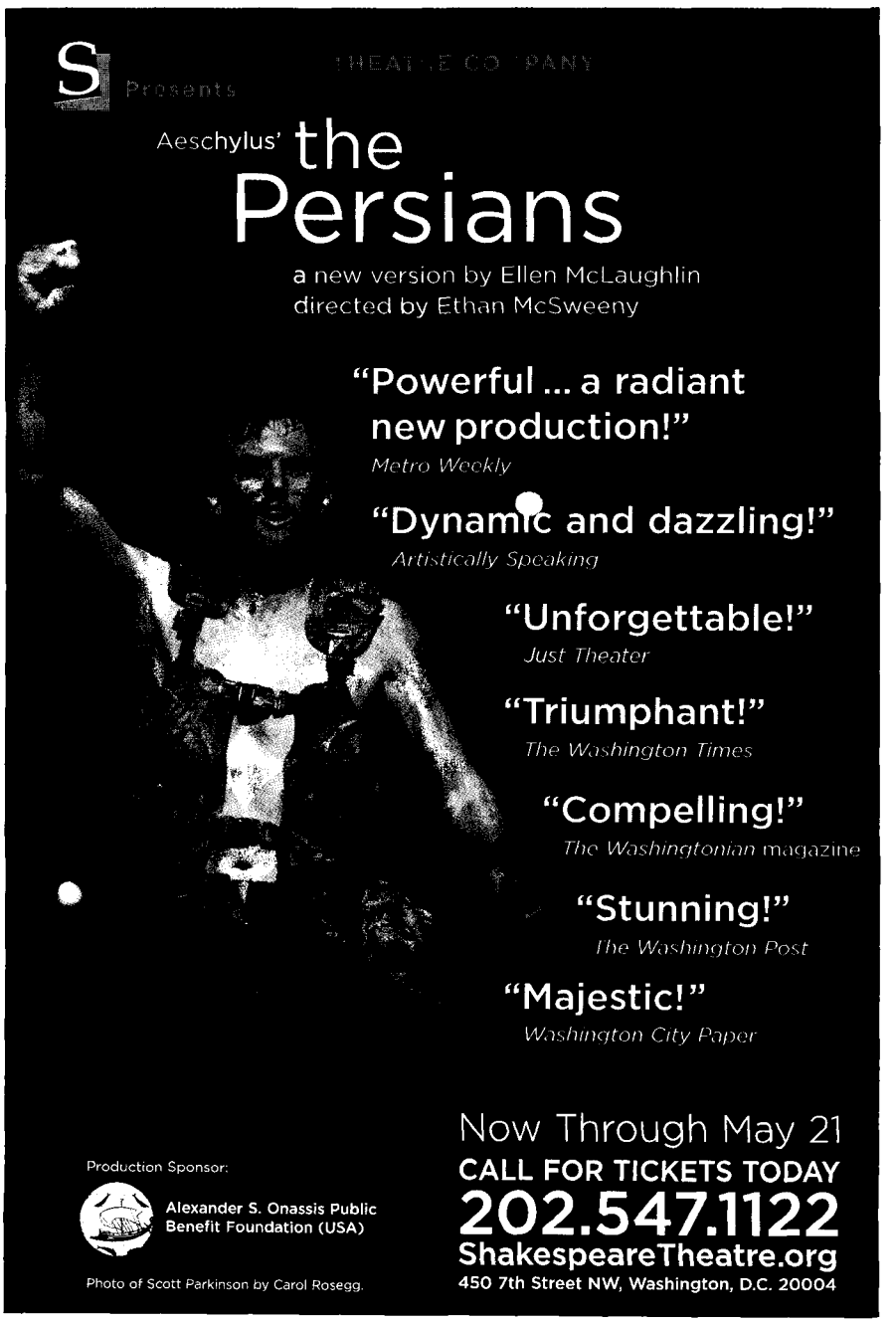
minating analyst of the view that judges can or should merely "follow the law." In this collection of recent essays, Dworkin explores the relationship between law and morality, elaborating his previous arguments and replying to a number of prominent objections. Dworkin agrees that judges generally must be faithful to existing legal materials, but he insists that they are not merely "following" something. The law is often unclear. Dworkin contends that when resolving real disputes, judges must select the principle that puts previous decisions in their most attractive light. For this reason, the task of interpretation requires judges to think seriously about what morality requires, and they might well end up moving the law in dramatic and novel directions. On these grounds, Dworkin argues that some of the most controversial decisions of the Supreme Court, commonly challenged as forms of "liberal activism," are perfectly defensible. *Roe* v. *Wade*, protecting the right to choose abortion, is just one example; and Dworkin leaves little doubt that he would welcome judicial decisions broadening the right of privacy.

To see how Dworkin's approach works, suppose that the Supreme Court is asked to decide whether the Constitution guarantees terminally ill patients a right to physician-assisted suicide. The text of the Constitution bans states from depriving people of "life, liberty, or property, without due process of law." Over a span of decades, the Court has issued many decisions interpreting the due process clause. In some of those decisions, the Court has said that the government may not intrude on certain intensely private choices (such as the right to live with members of one's family). Faced with a legal ban on physician-assisted suicide, Dworkin thinks that the Court has to make a moral judgment. It has to ask, what principle makes best sense of the previous decisions? Dworkin's approach imposes a requirement of what he calls "integrity." Judges must not only fit previous rulings but also "justify" them, by identifying the principle that puts them in the best light.

MANY PEOPLE DO NOT LIKE Dworkin's method. These critics seek to eliminate moral judgments from judicial rulings. Justices Antonin Scalia and Clarence Thomas believe that the Constitution should be read to mean what it meant at the time of ratification. At one point in his confirmation hearings, Alito too spoke in frankly originalist terms, saying, "I think we should look to the text of the Constitution, and we should look to the meaning that someone would have taken from the text of the Constitution at the time of its adoption." Originalists believe that their view captures what it means to be faithful to the founding document. They accuse their opponents, those committed to a "Living Constitution," of infidelity to the document as it stands.

In one of his most vigorous discussions, Dworkin explains why he rejects Scalia's approach in favor of one that authorizes judges to make ambitious moral claims. He accepts "semantic originalism," or the view that it is important to begin "by asking what—on the best evidence available—the authors of the text in question intended to say." But he rejects "expectation originalism," which understands the Constitution to conform to the founders' original expectations about how their words would be interpreted.

To appreciate the difference between the two forms of originalism, consider



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the constitutional provision that prevents states from denying people "the equal protection of the laws." It is clear that the authors of this provision did not mean to ban discrimination on the basis of sex or sexual orientation. For expectation originalists, such discrimination is acceptable. But for semantic originalists, this conclusion is far less clear. The answer turns on whether discrimination on the basis of sex or sexual orientation actually does deprive people of "equal protection of the laws." That question, in Dworkin's view, calls for a moral judgment, not a historical one.

Dworkin says that when we are asking about the meaning of constitutional terms such as "cruel and unusual punishment" or "equal protection of the laws," we must choose between "an abstract, principled, moral reading" and "a concrete, dated reading." The abstract, principled, moral reading would insist "that the authors meant to prohibit punishments that are in fact cruel as well as unusual." The concrete, dated reading would ban punishments that were thought to be cruel and unusual at the time they wrote. Dworkin argues in favor of the abstract reading, on the ground that it best fits what the Constitution actually says. "The framers were careful statesmen who knew how to use the language they spoke," and they "presumably ... used abstract language because they intended to state abstract principles." Scalia and Thomas are expectation originalists, and Dworkin accuses them of a kind of infidelity to the Constitution itself.

Dworkin does not think that the abstract reading allows judges to do whatever they want. Their obligation to "fit" the document, and previous judicial decisions, imposes real constraints. Dworkin himself believes, for example, that in principle the idea of equal citizenship requires "at least a decent minimum standard of housing, nutrition, and medical care." But courts cannot insist on such a standard, because doing so would "graft into our constitutional system something that (in my view) doesn't fit at all." Yet if judges are allowed to produce a principle to make best sense of past decisions, they might well move the law in novel and surprising directions. Thus Dworkin thinks that the Court was wrong to refuse to recognize a right, on the part of dying patients, to physician-assisted suicide. He emphasizes that according to his approach, those who interpret the Constitution must "make fresh moral judgments about issues that deeply divide citizens, such as abortion, assisted suicide, and racial justice." But they make those decisions in the interest of fidelity to the Constitution, not in opposition to it.

DWORKIN IS AWARE THAT many people object to the judicial role that he espouses on the ground that it is fatally undemocratic. Why should judges, rather than citizens, make the relevant moral judgments? He responds by distinguishing between two conceptions of democracy. In the first, political majorities are entitled to answer all questions of politics and morality. In the second, the democratic ideal "means self-government by all of the people acting as members of a cooperative joint venture with equal standing." This conception of democracy, which he calls one of partnership, requires that citizens have "not only an equal franchise but an equal voice both in formal public deliberations and in informal moral exchanges." Partnership democracy also requires that people have "an equal stake in the government" and "a private sphere within which they are free to make the most religious and ethical decisions for themselves." Dworkin agrees that the judicial role that he supports is inconsistent with majoritarian democracy, but he rejects that conception of democracy as unattractive. By contrast, constitutional courts, seeking integrity, actually promote partnership democracy, because they help to secure its preconditions.

Dworkin also knows that some people do not want judges to "construct large-scale interpretations of grand moral principles." (I am one of Dworkin's principal targets here.) According to those who favor judicial "minimalism," judges should allow the law to "grow slowly, incrementally, by analogy rather than grand principle, testing its steps one by one, attempting bit by bit to make the law work better." The problem is that we cannot know whether any particular step "works" without reference to general principle. Minimalists want judges to avoid ambitious theoretical claims, but they cannot always do that, because their answers will sometimes presuppose an ambitious theoretical position. This is the problem with analogical reasoning: "analogies without principles are blind. Which analogy should the Supreme Court have adopted when asked whether women have a right to an early abortion? An abortion is in some ways like infanticide, in others like an appendectomy, and in others like the destruction of a work of art." Analogical reasoning might well require a kind of theoretical ascent in which judges end up taking controversial stands even if they try to avoid them.

Dworkin's rejection of minimalist judging is tied to his general rejection of pragmatism as an account of legal reasoning. Thus he devotes a good deal of space to the work of Richard Posner, who has long described himself as a pragmatist, and who is an especially sharp critic of the use of moral theory in law. Posner contends that judges do not and should not decide cases on the basis of controversial moral arguments; they should think instead about the consequences of one or another course of action. Dworkin mounts a blistering attack on Posner, arguing that he does not really avoid moral theory, and that he has no plausible argument for his claim that judges can and should do so. How can judges possibly rule on segregation, or privacy, or same-sex marriage, without resorting to moral claims of one or another sort? Posner's version of pragmatism "is empty, because though he insists that judges should decide cases so as to produce the best consequences he does not specify how judges should decide what the best consequences are."

FOR MORE THAN THIRTY YEARS, Dworkin has been engaged in a complex and elaborate debate with the legal positivists, H. L. A. Hart and his various followers. Legal positivists typically insist on a sharp separation between law and morality; they believe that a statement about what the law is need not involve any moral judgment at all. Hart attempted to produce a purely descriptive, and morally neutral, account of the concept of law. One of his most influential claims was that the law qualifies as such by virtue of a "rule of recognition," which is a social convention, not a matter of morality. It is a convention, for example, that establishes that the U.S. Constitution is law in the United States, as the Universal Declaration of Human Rights is not.

Dworkin objects that Hart's theory "is not a neutral description of legal practice" and indeed that no such descrip-

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tion is possible. To defend that objection, Dworkin re-asserts his claim that on complicated issues, judges asked "to decide what the law is ... must interpret past law to see what principles best justify it, and then decide what those principles require in the fresh case." Moral principles, not recognized by any convention, can be central to judicial rulings about whether a contract is valid, whether an injured person may receive compensation for an alleged wrong, whether a school may fire someone on the basis of sexual orientation. Responding to Dworkin, some positivists say that when the legal sources leave gaps, judges simply have discretion to make up the law. Other positivists contend that moral arguments are admissible if and only if the relevant rule of recognition makes them admissible. Hart himself acknowledged that "the rule of recognition may incorporate as criteria of legal validity conformity with moral principles or substantive values," as the Constitution appears to do.

Dworkin believes that these responses are quite inadequate. The reason is that a society may lack any "convention" to establish the rule of recognition. Hence people's disagreements about the governing law cannot be resolved by reference to any such rule; it can be resolved only by answering the relevant moral questions. Judges who decide in favor of a privacy right, or same-sex marriage, are unable to rely on a convention. They must think about what morality requires. When the Supreme Court ultimately provides answers to the most controversial questions, its task is interpretive in Dworkin's particular sense. The Court must attempt both to fit and to justify the pre-existing legal materials.

In a discussion that does not involve law but that turns out to be closely related to his critique of Hart, Dworkin challenges the claim, associated with Isaiah Berlin, that our deepest moral commitments are plural and conflicting. Many people believe that they are committed to both liberty and equality, but they know that the two ideals might conflict. A sharply progressive income tax, for example, might promote the goal of equality, but it might also compromise liberty. Berlin contends that conflicts between deeply held values can create a kind of tragedy, or at least some important damage, as we are forced to sacrifice one in favor of another. Dworkin is skeptical of this claim. Whether there is any conflict "depends on how we conceive these abstract values." If we conceive of them properly, we may face no conflict. If we offer "an account that shows us what is good about liberty or equality or democracy, so that we can see why any compromise of these values is not merely inconvenient but bad," the apparent conflict may well disappear. It may be that a sharply progressive income tax does not compromise liberty at all.

Dworkin contends that it is possible that "the most attractive conceptions of the leading liberal values do hang together in the right way." Against Berlin, Dworkin makes the same claim that he makes against Hart—that "definitions or analyses of the concepts of equality, liberty, law, and the rest are as substantive, normative, and engaged as any of the contending opinions in the political battles that rage about those ideals." The

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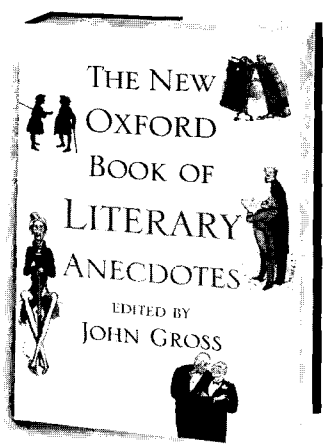

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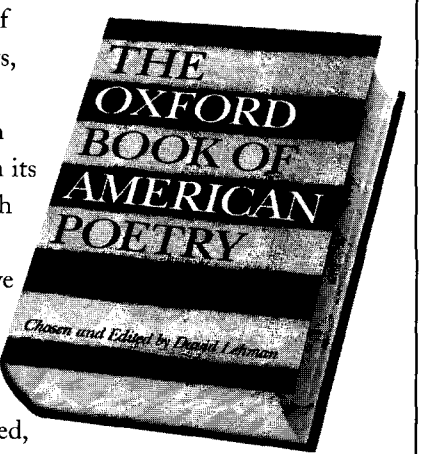

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reason is that such definitions and analyses are interpretive rather than merely descriptive.

Though Dworkin's arguments in this book range over numerous topics, his main focus is on constitutional law, and much of the book reads as a series of extended replies to the many people (including Scalia and Posner) who have rejected his claim that controversial moral judgments are important in determining the Constitution's meaning. Dworkin's timing is extraordinarily good, for we are living in a period in which that claim is under immense pressure. Moreover, Dworkin is convincing on two large points. First, he is right to emphasize the importance of both "fit" and "justification." Any argument about the meaning of the Constitution is generally obliged to account for previous decisions, and to do so in a way that tries to make the best possible sense of them. This claim greatly helps to illuminate what legal argument is all about. And second, Dworkin is right to say that any theory of constitutional interpretation must be defended in moral, or at least political, terms. Those who select one theory of interpretation and reject others cannot claim that they are simply following the document or those who made it; they must be prepared to make moral or political arguments of their own.

THE PROBLEM IS THAT, FROM these two important points, Dworkin's more particular claims do not follow. Judges need not treat the Constitution as embodying abstract ideals, or as licensing them to strike down democratic enactments that offend their own best judgments about how those ideals are properly understood. Suppose that those judgments are highly unreliable—and that judges are entirely aware of their own limitations in the domain of moral theory. For that very reason, judges might adopt an approach to interpretation that limits their ability to make moral judgments in particular cases, or to wield those judgments as weapons against the democratic process. Indeed, judges might adopt that approach on the ground that it best fits and justifies our own practices. This, I think, is the real blind spot in Dworkin's account of constitutional law, and it requires a re-thinking of his approach to law in general.

To see the problem, let us begin with originalism. Dworkin favors "semantic originalism," which requires judges to follow what the Constitution's Framers meant to say. He does not favor "expectation originalism," which means that judges must follow what the Framers hoped, or expected, that their words would be taken to mean. But Dworkin misunderstands his adversaries. Sophisticated originalists such as Scalia are not much interested in the Framers. They care about the ratifiers—We the People—who were authorized to make the Constitution law. Nor do the best originalists focus on the "intentions," or hopes, or expectations, of the Framers. Instead they focus on the original public meaning of the document. Originalists believe that the Constitution must be construed to fit with its original public meaning to those who ratified it. Originalists insist that words have public meanings, and that the task of constitutional interpretation is to uncover those meanings at the time of ratification.

Dworkin could easily use this point to his advantage. He could contend that the original public meaning consists of abstract moral commitments, not concrete judgments. But if he is playing the originalists' game here, as he seems to be doing, his contention stands or falls on the answer to a historical question: did the original public meaning consist of abstract commitments or concrete ones? Dworkin seems unaccountably confident that, as a matter of history, the Constitution was understood to contain abstract ideals. As it happens, there is a considerable historical literature on this, to which Dworkin does not refer; and it is not at all clear that Dworkin's conclusion is right on historical grounds.

But perhaps Dworkin does not really believe that history should have the final word. He might believe that the question is how we should take the Constitution's words, and perhaps that question is interpretive, not a simple matter of history. Dworkin might well think that if we would make best sense out of the Constitution by treating it as embodying abstract commitments, then that is exactly what we should do. But why, exactly, is that what we should do? Suppose that originalists can claim that their approach fits, well or wonderfully, with many important areas of law—that for the most part the Court's most important decisions, in those areas, correspond fairly well to the original understanding. Suppose, too, that originalists can argue that their approach would lead to far better results than one that asks judges to ask, and answer, large-scale moral questions. Originalists might well emphasize that judges are not experts on moral and political questions, and their judgments about what is required by justice (not to mention "partnership democracy") may be unreliable, confused, biased, or even perverse. If so, perhaps we make the best sense out of the Constitution if we read it to fit with the ratifiers' understandings.

Dworkin does not give a clear argument against this position. He does not show that Scalia's brand of originalism fails to fit and to justify existing constitutional law. Still, he is right to say that the Constitution should not be interpreted to fit with the concrete expectations of people long dead. In many areas, existing constitutional law goes well beyond the original understandings of the Framers and ratifiers, and thank goodness for that. The Constitution is now understood to forbid race and sex discrimination by the national government, even though none of its provisions was originally understood to forbid such discrimination. The Constitution is now taken to include broad protection of freedom of speech, going far beyond the original understandings. In many domains, originalism fails to fit our practices. And in most of those areas, originalism would make our constitutional system worse, not better.

BUT EVEN IF WE REJECT ORIGINalism, it does not follow that judges should adopt and impose large-scale moral principles of their own (and call what they are doing "fidelity"!). Suppose that we insist that when judges strike down legislation because of their own moral judgments, they might well err. In American history, it is easy to find examples. As candidates, we might emphasize not *Brown* v. *Board*

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of Education, but instead, say, *Lochner* v. *New York* (invalidating maximum-hour legislation), *Adkins* v. *Children's Hospital* (invalidating minimum-wage legislation), *Buckley* v. *Valeo* (invalidating campaign finance reform), *First National Bank of Boston* v. *Bellotti* (invalidating restrictions on corporate speech), *Lucas* v. *South Carolina Coastal Council* (invalidating the Beachfront Management Act), *City of Boerne* v. *Flores* (invalidating the Religious Freedom Restoration Act), *United States* v. *Morrison* (invalidating part of the Violence Against Women Act), *Adarand Constructors* v. *Pena* (invalidating an affirmative action program). I am confident that Dworkin would reject most of these decisions on moral grounds.

Puzzlingly, Dworkin does not come to terms with the risk of judicial error in the moral domain. To their great credit, Scalia and other originalists are greatly concerned with that risk; but there are more appealing ways of ensuring that the Court operates in a way that is attuned to its own fallibility. Posner wants to offer one. Against Posner, Dworkin is correct to say that moral disagreement can break out over the question of whether consequences are good. But Posner hopes that if we are able to have an accurate sense of consequences, diverse people might well be brought into agreement with one another, whatever they think on the largest moral issues. Suppose that a significant increase in the minimum wage would reduce employment, because it would become so much more expensive to hire people. If this is so, people of diverse views might reject significant increases in the minimum wage. Or suppose that certain voucher programs greatly improve education, and do so without causing religious strife or favoring any particular religious creed. If so, the Supreme Court might be led to uphold such programs (as in fact it did), notwithstanding fundamental disagreements about theology and the meaning of the Constitution's religion guarantees. Dworkin rightly chastises legal pragmatists for neglecting the difficulty of evaluating consequences without taking a moral stand; but sometimes an understanding of consequences can lead diverse people, with quite different moral views, to the same conclusion.

It is for similar reasons that the Court might try, whenever it can, to base its decisions on the least contentious principles—those that can be accepted by citizens having competing views about morality and politics. In many contexts, social life and law are both made possible by what I have called incompletely theorized agreements—agreements on practices or judgments amid uncertainty or disagreement about the abstract moral or political theory that justifies them. People who disagree on the meaning of "equal protection of the laws" are now able to agree that the government cannot discriminate against women. People with different views about the foundations of the free speech principle are now able to agree that the government cannot censor political dissent without showing a clear and present danger. Judges' efforts to avoid the most controversial questions, and their reluctance to invalidate laws on the basis of the most abstract principles, need not be based on a crudely majoritarian conception of democracy. Such efforts can be based instead on humility about judges' own capacity for abstract moral reasoning. Dworkin is quite right to say that analogy is blind without principle, but some principles are more controversial than others. Often it is possible for the Court to rule in a way that avoids the largest controversies.

It is important, for this reason, to distinguish between two different claims. The first is that any approach to legal interpretation requires some kind of moral or political defense. On this point, Dworkin's central arguments are right. Legal reasoning typically works by attempting both to "fit" past decisions and to "justify" them, by making them into sense rather than nonsense. Too much of the time, politicians and judges ignore the fact that judicial judgments, about principle and policy, play an inevitable role in determining what the law is. In controversial cases, the voting patterns of Republican appointees are systematically different from the voting patterns of Democratic appointees, and it is ludicrous to say that this is because one or another group "follows the law." Contrary to a popular myth (sometimes repeated in the pages of this magazine), judges generally adhere to the views of the president who nominated them. Dworkin's emphasis on the role of moral judgments in law helps to explain why.

Dworkin's second claim is that the Supreme Court should adopt an approach that calls on the justices to make large-scale judgments about the meaning of our highest ideals. I think that the Court should, most of the time, refuse to assume such a role. It should refuse to do so because fallible judges ought to avoid engaging, in particular cases, with the most fundamental problems in morality and politics. No theory of interpretation can avoid moral and political controversy, but it is possible to adopt, on moral and political grounds, a theory of interpretation that asks judges to decline to deploy their own moral and political judgments as weapons against the democratic process. ■

Christopher Benfey
The Demigod

FLAUBERT: A BIOGRAPHY
By Frederick Brown
(Little, Brown, 628 pp., $35)

"YOU LAMENT THE MONOTONY of ass," Flaubert wrote to his young disciple Guy de Maupassant in 1878, two years before the master's death of a heart attack at age fifty-eight. "There's a simple remedy for that—don't avail yourself of it." Maupassant had complained that he was as bored with women's asses as he was with men's minds. "Too many whores!" Flaubert admonished him. "Too much canoeing! Too much exercise! Yes, sir! The civilized man doesn't need as much locomotion as physicians pretend." Flaubert, himself a physician's son, offered a more oblique remedy for the second affliction of which Maupassant complained. The tedium of men's minds was one of Flaubert's great topics; early and late, from

Christopher Benfey, Mellon Professor of English at Mount Holyoke, is the author of DEGAS IN NEW ORLEANS *(University of California Press) and* THE GREAT WAVE *(Random House).*

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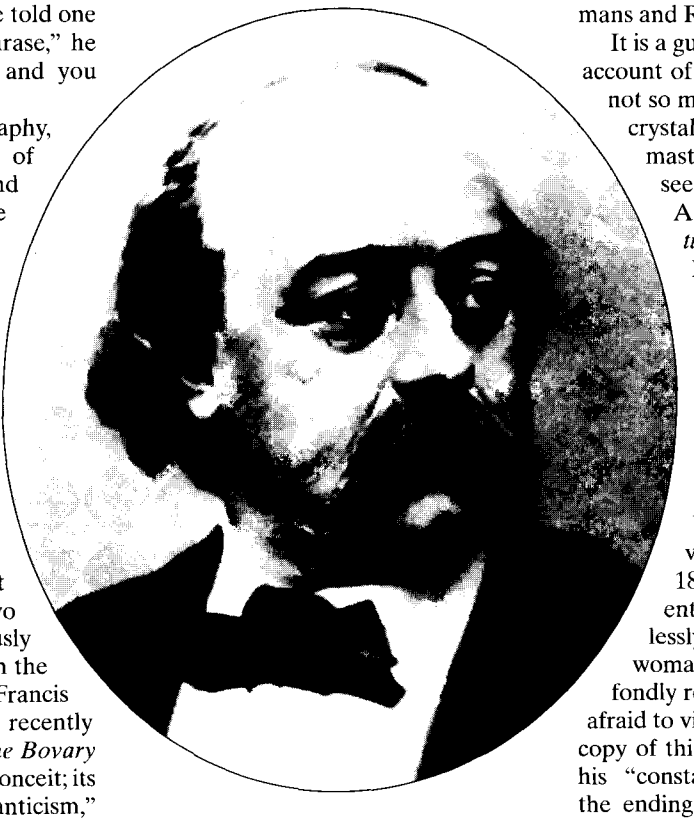
Madame Bovary to *Bouvard and Pécuchet*, he avidly collected specimens of human stupidity. What is his *Dictionary of Received Ideas* if not a compendium of mental monotony, each cliché arrayed like an impaled butterfly for close examination? From Jacques Barzun's translation: "ACCIDENT. Always 'regrettable' or 'unlucky'—as if a mishap might sometimes be a cause of rejoicing." "FULMINATE: Nice verb." "HYPOTHESIS. Often 'rash,' always 'bold.'" The only escape from cliché, Flaubert insisted, was tireless pursuit of the right word. "I am often hours chasing a word," he told one hasty writer. "For turns of phrase," he assured Maupassant, "search and you will find."

In his splendid new biography, Frederick Brown, the author of well-received lives of Zola and Cocteau, deftly dismantles the most durable cliché concerning Flaubert himself. The difficult task that Brown has set himself, nowhere stated but everywhere pursued in this vigorously researched, intellectually nuanced, and exquisitely written book, is to challenge the long-standing view that Flaubert started out as a Romantic writer in the vein of Chateaubriand or Lamartine, underwent a violent "purge" at the insistence of two wise friends, and was miraculously transformed into a Realist with the writing of *Madame Bovary*. Francis Steegmuller's influential and recently reprinted *Flaubert and Madame Bovary* is structured according to this conceit; its three sections are titled "Romanticism," "The Purge," and "Realism." The old Penguin translations by Robert Baldick carry a succinct version of the myth: "In his early works ... Flaubert tended to give free rein to his flamboyant imagination, but on the advice of his friends he later disciplined his romantic exuberance in an attempt to achieve total objectivity and a harmonious prose style."

The legend of the purge fed the self-importance of its inventors, those same friends—the poet-librarian Louis Bouilhet and the photographer-journalist Maxime Du Camp—who were eager to enlist Flaubert in their own nascent creed of Realism, a label that Flaubert always resisted. According to Du Camp, they solemnly gathered in September 1849 as Flaubert read aloud (or rather, "sang and chanted the phrases") from the first version of *The Temptation of Saint Anthony*, his dream vision of a fourth-century ascetic prey to the successive illusions of humanity. They waited for the plot to begin; they waited in vain. "There was no progression—the scene always remained the same." After four days of reading, eight hours a day, Flaubert asked for their verdict. "We think you should throw it into the fire," said Bouilhet, "and never speak of it again." They insisted that Flaubert adopt a more "down-to-earth subject, one of those incidents in which bourgeois life abounds"—say, adultery among the provincial bourgeois. To their relief, Flaubert became an updated Balzac, the dry-eyed chronicler of modern mores whom we meet in such masterpieces as *Madame Bovary*, *Sentimental Education*, and "A Simple Heart."



Gustave Flaubert, circa 1865

The only problem with this account is that it doesn't stand up to scrutiny. Flaubert followed *Madame Bovary* with *Salammbô*, his jeweled fantasy of the Orient (that is, the Middle East), and paired "A Simple Heart" with "Hérodias," his hothouse fantasy of the story of Salomé's mother and John the Baptist. Far from burning *The Temptation of Saint Anthony*, Flaubert, "a hoarder rather than an arsonist," continued to work intermittently on his "revenant," as Brown calls it, until it was published, in its third version, in 1874. Reviled by reviewers, the hallucinatory prose-poem was admired by Baudelaire for its "undercurrent of rebellious suffering ... the dark thread that guides one through this pandemoniacal glory-hole of solitude," and by the young Freud, and found its true audience in the fin-de-siècle Symbolist generation of Huysmans and Redon.

It is a guiding insight of Brown's lucid account of Flaubert's writing that it did not so much progress as intensify and crystallize. Like an architect with a master plan, Flaubert's program seems to have been set early on. A draft of *Sentimental Education* (with an episode set in New York) was complete by 1845, twenty-five years before the publication of the final version, which is itself concerned with immobility and drift. The novel's hero, Frédéric Moreau, is "motionless" when we first encounter him on board a riverboat on the Seine; and after viewing the political turmoil of 1848 (as Flaubert did) without enthusiasm, and wandering aimlessly in pursuit of a married woman, he is motionless at the end, fondly remembering a brothel he was afraid to visit in his youth. Kafka, whose copy of this novel was, as Brown notes, his "constant companion," compared the ending to Moses's failure to enter Canaan. Static tales of ascetic saints—first Saint Anthony and then the exquisite "Saint Julien l'Hopitalier," inspired by a stained-glass window in the Rouen Cathedral—remained at the center of Flaubert's imaginative universe. There was no progression. The scene always remained the same.

BROWN'S BIOGRAPHY BEGINS and ends in Rouen, the foul-smelling industrial city on the Seine between Paris and the English Channel, where Flaubert was born in December 1821. Rouen was the industrial hub of Normandy, where ships discharged bales of American cotton for the looms of the "Manchester of France," as an English guidebook

COURTESY ALFRED A. KNOPF

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dubbed the city. For all his exotic travels in the Middle East, and his fantasies to flee to America or China, to serve as a diplomat in Rome or Constantinople, Flaubert was first and last a Norman. According to Brown, Normandy "was the landscape of his youth and of all his seasons. It was the taste in his mouth and the verdant prison where he dreamed of deserts." Flaubert's father was the leading surgeon in the city; his mother came from a distinguished Norman family. It was assumed that Gustave would train for one of the professions, medicine or law, and take his place in the respectable bourgeois order of the city.

Two things derailed this plan. One was Flaubert's genius—the sheer power of his shaping imagination—and the superb classical training that he received in the strict Rouen schools. Of his remarkable high school teachers, Brown singles out the historian Adolphe Chéruel, a native Rouennais who had studied under the great Michelet, Romantic chronicler of witches, the sea, and the Rouen martyr Joan of Arc. At the very beginning of his career—he would later occupy a chair at the École Normale Supérieure in Paris—Chéruel inspired his students to consult primary documents as they surveyed all of Western civilization, and he introduced them to the revolutionary ideas of Vico and Herder. Brown is right to suggest that Flaubert might well have become a historian under this inspiriting regime, like the great historian of ancient cities Fustel de Coulanges, who studied under Chéruel at the École Normale Supérieure. It is the depth of Flaubert's learning that partially accounts for the aggrieved tone in Edward Said's pages in *Orientalism* (a work that Brown pointedly ignores) devoted to Flaubert's sexual tourism in the Middle East—where, as Brown notes, "no whorehouse between Cairo and Nubia was so low" that Flaubert and Du Camp "wouldn't stoop to enter it." How could Flaubert, Said wondered, who "came to the Orient prepared for it by voluminous reading in the classics, modern literature, and academic Orientalism," conclude that "the oriental woman is no more than a machine: she makes no distinction between one man and another man"?

The stories that the precocious Flaubert began writing in his teens derive from his forays into history. An early tale of the plague in Florence concludes with this impressive sentence: "In every man's life there are pains and sorrows so keen, mortifications so poignant, that for the pleasure of insulting his tormentor he will abandon and contemptuously discard his masculine dignity like a theater mask." For every piece of writing thereafter, Flaubert pursued detailed research in primary documents and secondary sources. In this sense, all his novels were historical novels, even those set in the recent past. No research was necessary for the Romantic clichés that stuffed Emma Bovary's imagination: "She wished she could have lived in some old manor house, like those chatelaines in low-waisted bodices under their trefoiled Gothic arches, spending their days, elbows on the parapet and chin in hand, peering across the fields for the white-plumed rider galloping toward her on his black steed." Instead she marries a country doctor, whose botched operation on a stableboy's clubfoot—an excruciating chapter fully researched by Flaubert—confirms her sense of his mediocrity. Flaubert attended an agricultural fair, notebook in hand, to get the details right in the famous scene that crosscuts a provincial official's spiel about the virtues of "tillers of the soil" and fertilizer with the rake Rodolphe's seduction of Emma in an upstairs room nearby. "It makes for a brilliant counterpoint," Brown notes, "as both councilor and seducer recite canned ideas, each to a gullible audience."

THE OTHER DECISIVE FACTOR IN Flaubert's choice of career was epilepsy, the seizure disorder that plagued him from his early adulthood until his death. Brown dates the onset of Flaubert's seizures to New Year's Day in 1844, when Flaubert and his brother were riding south at night after a visit to the seaside resort of Deauville. Flaubert, holding the reins, suddenly fell unconscious. Upon regaining consciousness, his memory was washed clean of everything except a sensation of being swept off in a "torrent of flames." He promptly abandoned his legal studies. While his haughty and retrograde brother succeeded their father as Rouen's chief medical official, Gustave retreated to the rural family compound at Croisset, on the Seine outside Rouen, to pursue his scholarly and literary interests and, according to his new mantra, to "live like a bourgeois but think like a demigod." Meanwhile he underwent medical treatment—or rather torture. Brown devotes some hair-raising passages to what doctors resorted to as remedies for a disease they associated with sexual dysfunction; Flaubert endured mercury rubs, leeches applied behind his ears, "syringes thrust up his rectum," and incisions in his neck held open by a tightened "subcutaneous leash" to allow the malign "humors" to escape.

Two years later, in 1846, he experienced a double blow, with his father's death in January and the death of his beloved sister, Caroline, in March. Flaubert assumed the role of head of the household in Croisset, watching over his widowed mother and assuming the care of his niece, also named Caroline. Brown charmingly relates how Flaubert threw himself into Caroline's education: "Geography lessons were held in the garden, where, equipped with a bucket of water and a shovel, he dug up soil to model islands, peninsulas, gulfs, promontories." Caroline later wrote of visiting him in his writing retreat, furnished with a white bearskin and a gilded Buddha. He regaled her with "gobbets of Plu-

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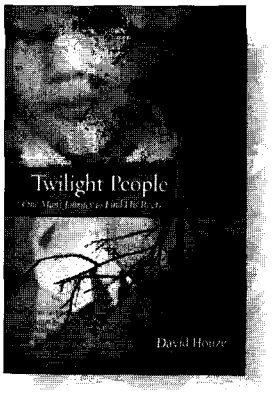

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tarch" and seemed genuinely puzzled when she asked him if Alexander and Alcibiades were good or not. 'Good?" he asked. "Well, they certainly weren't accommodating gentlemen. What difference does it make anyway?"

A KINDRED EXASPERATION runs through his famous correspondence with Louise Colet, the "beautiful, tall, full-bosomed" and well-known poet eleven years his senior, whom he met in a fashionable sculptor's studio in Paris during the summer of 1846, and with whom he began a bumpy affair that lasted until 1854. Their first attempt at sex, in a hotel, was a failure. They were more successful in a horse-drawn cab, perhaps because, as Brown dryly remarks, "Louise may have seemed less daunting, because more sluttish, in a cab than in bed." In any case, Flaubert was most affectionate when absent. Like Kafka (to whom Brown compares him) and Emily Dickinson, Flaubert found the epistolary distance just right for intimacy, and steadily resisted Louise's demands for more frequent trysts.

He carefully and a little sadistically corrected the poems she sent him; "his criticism was most implacable," Brown remarks, "when tact might have been most appropriate." When she complained of his "sepulchral detachment," he told her that "I always found in you a tone dripping with sentiment that watered down everything and spoiled your thought"—a view that Brown, who has little patience for Colet, seems to endorse. Flaubert lost his temper altogether when she maligned Musset, another of her lovers, in a section of her feminist *Poème de la femme*. "Who appointed us moral overseers?" he asked. "This poor fellow never sought to do you in. Why harm him more than he harmed you? Think of posterity and reflect upon the shabby figure cut by those who have insulted great men.... Posterity is forgiving of misbehavior. It all but pardons Jean-Jacques Rousseau for having delivered his children up to a foundling hospital." Or as Auden wrote in a similar vein, "Time will pardon Paul Claudel / Pardon him for writing well."

The considerable interest of Flaubert's correspondence with Colet lies less in their emotional or sexual incompatibility than in their continual aesthetic strife. "Ah! Louise! Louise!" he wrote to her in 1853, as their affair was stumbling to a halt. "How can you imagine that a man besotted with Art as I am ... whose sensibility is sharper than a razor blade and who spends his life scraping it against flint to make sparks fly ... how can you imagine that such a man could ever love with a twenty-year-old heart?" It was the personal nature of her writing that offended Flaubert, who said of the Musset diatribe that "you wrote it from the skewed perspective of a personal passion, ignoring the fundamental conditions of every imaginative work."

Brown identifies two sources for Flaubert's commitment to "impersonality" in writing: his physician-father's "clinical method" and his own struggle with epilepsy—"the explosion of personality in clonic seizures." I suspect that, as with T. S. Eliot, that other apostle of impersonality, Flaubert found confirmation for his "sepulchral detachment" in the teachings of the Buddha, whose statue he kept on his writing table and whose views he laid out in *The Temptation of Saint Anthony*, the Asian section of which he was working on as he held off the increasingly importunate Louise. Yet another Buddhist fellow traveler, Lafcadio Hearn, made an excellent English translation of *The Temptation*, complete with scholarly footnotes.

FLAUBERT'S AUTUMNAL CORRESpondence with George Sand reprises some of the same conflicts as the Colet correspondence, though on a higher, less emotional plane. Sand admired Flaubert's aesthetic stubbornness amid poor sales and punitive reviews, but she begged him to clarify his attitude toward his characters. She thought he could do so without authorial intrusion. "No, I don't say that you should personally take the stage," she wrote in 1876. "But hiding one's opinion about one's characters and thus leaving the reader uncertain as to what he or she should think is to bargain for incomprehension." Flaubert's noble response matched her didacticism with a higher morality. "You preach in vain," he told her. "I can have no temperament but my own, nor any esthetic but that which derives from it.... As for revealing my personal opinion of the people I put onstage—no, no! a thousand times no! I don't recognize myself as *having the right* to do it. If my reader does not get the moral drift of a work, then the reader is an imbecile." Sand died while Flaubert was working on the story he thought was more in accord with her wishes, his affectionate tribute to the hopes and sufferings of a dutiful servant, Félicité, the "simple heart" of his title. But it is doubtful that the ending of the story would have pleased Sand, as faithful Félicité, in her death agony, mistakes her stuffed American parrot Loulou for the Holy Ghost.

Flaubert's creed of impersonality has nothing to do with the macho reticence of such self-styled disciples as Hemingway and Dashiell Hammett. He would have been as repelled by Hemingway's stylistic posturing as he was by Mérimée's muscular writing on bullfights and Spanish passion; Flaubert's friends Turgenev and Zola were shocked at what Brown calls his "autopsy" of Mérimée's prose style. The extinction of authorial personality was a religious tenet for Flaubert, as Erich Auerbach recognized when he referred in *Mimesis* to Flaubert's "self-forgetful absorption in the subjects of reality" as "mystical in the last analysis."

Flaubert claimed that while writing

The Experiment

Mysteriously, in a grave lapse
of attention, the girl and her friend
got into the cigarettes.
They went into the bathroom
and locked the door.
Out the window they saw
the rocking back
of a man working in the garden.
"These are what make you pregnant,"
said the first.
"The secret ingredient
is fire," said the other.
The coughing, they reasoned,
as they lit up, was part
of bearing the baby
into being.
They sat on the edge of the tub.
"Do you feel it?"
said the first.
"I feel I have been possessed,"
said the other, "first
by the angel of life,
and then by the angel of death."

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of the suicide of Emma Bovary, he had "a strong taste of arsenic" in his own mouth. Henry Adams was closer in spirit to Flaubert's asceticism (as he was in much else, including his passion for historians of decline such as Tacitus and Gibbon, his sardonic view of "education," his pleasure in the company of nieces, and his loyalty in friendship) when he advised the "architectural tourist" in austere Norman churches to "read a few pages" of Flaubert's letters or *Madame Bovary* "to see how an old art transmutes itself into a new one." Adams discerned a spiritual affinity between Normandy and New England, a "relation between the granite of one coast and that of the other." Haunted by his own wife's suicide by poison, the bitter ending of *Madame Bovary* must have had a particular poignancy for Adams.

Among American novelists, Willa Cather probably learned most from Flaubert. Her favorite of his novels was *Salammbô*—"I like him in those great reconstructions of the remote and cruel past"—and she achieved something analogous in *Shadows on the Rock*, her underrated novel of early Québec. Cather modeled the tripartite structure of *Obscure Destinies* (as John Hollander has pointed out) on Flaubert's *Three Tales*. Having dismissed Kate Chopin's *The Awakening* as a "Creole Bovary," Cather proceeded to write a Bovary of her own, set in Colorado, in her brilliant novella *A Lost Lady*. By an extraordinary coincidence, while vacationing in Aix-les-Bains in 1930, Cather made the acquaintance of Flaubert's niece Caroline, the same woman who, a lifetime before, had followed her uncle around the garden as he taught her geography with a shovel and a bucket of water.

"It must have immediately become apparent to Caroline," Brown observes, "that she had encountered a most unusual American and, where Flaubert's work was concerned, an interlocutor on equal terms." When Cather spoke of "the splendid final sentence of *Hérodias*, where the fall of the syllables is so suggestive of the hurrying footsteps of John's disciples, carrying away with them their prophet's severed head," Caroline "repeated that sentence softly: '*Comme elle était très lourde, ils la portaient al-ter-na-tiv-e-ment.*'" Brown finds in this "Chance Encounter," as Cather memorialized it, a perfect ending for his own remarkable book. ■

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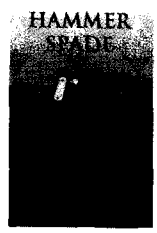

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WAS STEPHEN COLBERT funny? No, he was not being funny. He was being ironic, satirical, brutal. Don't you get it? These issues are just too *painful* for humor. Since Colbert's 20-minute routine at the White House Correspondents' Association Dinner two weeks ago, the question has been asked and answered thus in the blogosphere, that underground realm of steaming ressentiment not exactly famous for the refinement of its irony, where the president is the "chimp," Laura is "his bitch wife," and the press is "the MSM."

IT IS TIME—IT IS ALWAYS TIME—FOR some literary criticism. There is an interesting difference between watching Colbert on video (I was not at the dinner) and reading the text of his skit (available on dailykos.com). Colbert is not always funny on television: He sometimes fluffs lines, he has a limited range of facial expressions, and he is trapped in the jacket of his impersonation of Bill O'Reilly, condemned to a single parodic posture. At the White House dinner, all this was evident.

BUT THE TRANSCRIPT IS SOMETHING else. To read it is to be subjected to a brilliant, relentless flow of the bitterest invective. There are plenty of funny cracks, if you are after the kind of comedy-by-committee that provides Jay Leno with his nightly ration: "By the way, before I get started, if anybody needs anything else at their tables, just speak slowly and clearly into your table numbers. Somebody from the NSA will be right over with a cocktail." Or: "I believe the government that governs best is the government that governs least. And by these standards, we have set up a *fabulous* government in Iraq." Or: "I've got a theory about how to handle these retired generals causing all this trouble: Don't let them retire!"

BUT MORE INTERESTING ARE THOSE MOments when Colbert's text is not funny: "I stand by this man. I stand by this man because he stands for things. Not only for things, he stands *on* things. Things like aircraft carriers and rubble and recently flooded city squares. And that sends a strong message: that, no matter what happens to America, she will always rebound—with the most powerfully staged photo-ops in the world." As comedy, this is fairly feeble, and even less funny is Colbert's scolding of the press: "Over the last five years, you people were so good—over tax cuts, WMD intelligence, the effect of global warming. We Americans didn't want to know, and you had the courtesy not to try to find out."

OBVIOUSLY ENOUGH, THIS IS DESIGNED not to amuse, but to wound, to goad, to irritate. It is not comedy; the discourse has moved location, from the funhouse to the church, and it has become preachy and a little earnest. We are in the realm of the blogosphere. Again and again, Colbert chides the MSM in much the way that the alternative press does: "John McCain, John McCain, what a maverick! Somebody find out what fork he used on his salad, because I guarantee you, it wasn't a salad fork. This guy could have used a spoon! There's no predicting him." Actually, this last jibe is pretty funny, and it neatly pops both John McCain's ballooning self-regard and the tedious reverence of the establishment media.

AND, PLEASINGLY, THE MSM HAVE RESponded with delicious displays of their own inability to read. Richard Cohen, in a recent column in *The Washington Post* about how unfunny and "rude" Colbert was, commented on the following Colbert passage: "So the White House has personnel changes. Then you write, 'Oh, they're just rearranging the deck chairs on the *Titanic*.' First of all, that is a terrible metaphor. This administration is not sinking. This administration is *soaring*. If anything, they are rearranging the deck chairs on the *Hindenburg*!" On this, Cohen expounds: "A mixed metaphor, and lame as can be." Ah, Mr. Cohen, high-schoolers study "irony" in their English classes so as to avoid slips like yours. Remember your Chaucer? First of all, Colbert is supposed to be in character as a defender of the administration: His metaphor is deliberately comically inefficient. Second, the apparently "mixed metaphor" is itself a commentary on the "terrible" *Titanic* metaphor—it is supposed to be a second "terrible" metaphor, squared. Third, isn't this quite a nice dig at the stylistic laziness, the verbal narcosis, of most political commentary—of precisely the kind practiced by Cohen? (Perhaps it takes a terrible metaphor to recognize a mixed one.)

SO WE HAVE A HEAVEN-MADE CIRCUlarity: Colbert, abjuring comedy for bitter irony, attacks the MSM like the bloggers do; the MSM decide not to mention Colbert, or decide that he wasn't funny, or was rude; and the bloggers get to cry foul, charging that this shows, at best, exactly what is wrong with the cloth-eared MSM—or, at worst, that a conspiracy to silence Colbert has begun. At which point the MSM, in their stolid, evenhanded way, write up the "controversy." Who can blame the bloggers? They are right that Colbert was often not trying to be funny, but to be insulting—and there is something breathtakingly, sublimely insulting about the way Colbert, in the midst of his rudeness, continues to use the words "sir" and "Mr. President" not ten feet from the man he is dressing down. And, if they are not right about a conspiracy of silence, they are right about the press's reflexive respect for authority, for only this can explain the chummy way in which, say, *The New York Times* first reported the event, with its relaxed and relaxing account of the comic genius of Steve Bridges (he was prepped in the White House!).

ON THIS, I'M WITH THE FOUL-MOUTHERS, the underground men, the crazies, the semi-literates with their paranoid monikers. To anyone schooled in the Hogarthian brutalities of English journalism, U.S. newspapers have an astounding blandness and a sinister reverence for money, celebrity, and the simple authority of renown. Where is the daily political cartoon, or that hygienic invention of Grub Street, the Parliamentary sketch, in which you get to insult both sides of the aisle? What does it say of a newspaper that its most biting writers are those working in the style sections or reviewing films? It is no wonder that 54,000 people have written to thankyoustephencolbert.org: His routine was a good, savage op-ed piece. But not in the MSM.

JAMES WOOD

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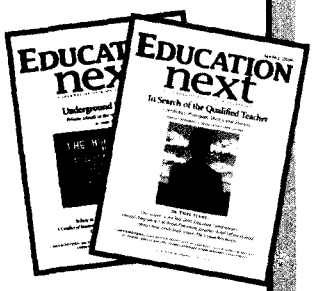

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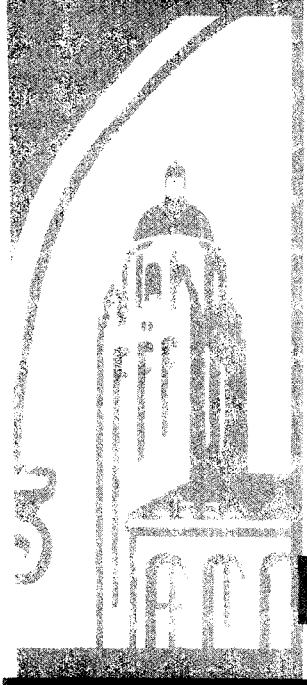

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In the new issue of *Education Next*

Florida's Program to End Social Promotion

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Holding children back in the same grade for an additional year has long been frowned on by schools, with a large body of research seemingly supporting the view that low-scoring retained students drop out at higher levels than low-scoring students who are not retained. However, eschewing old habits and old research, several large school systems, which between them enroll nearly 20 percent of the nation's third-grade students, have been steadily bucking convention and discouraging or even forbidding social promotion. Is this new approach effective? Findings from Florida suggest that the use of standardized testing policies to end social promotion can help low-performing students make modest improvements in reading and substantial improvements in math.

—Jay Greene and Marcus Winters

The Virtual Revolution

Understanding online schools

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—Randall Greenway and Gregg Vanourek

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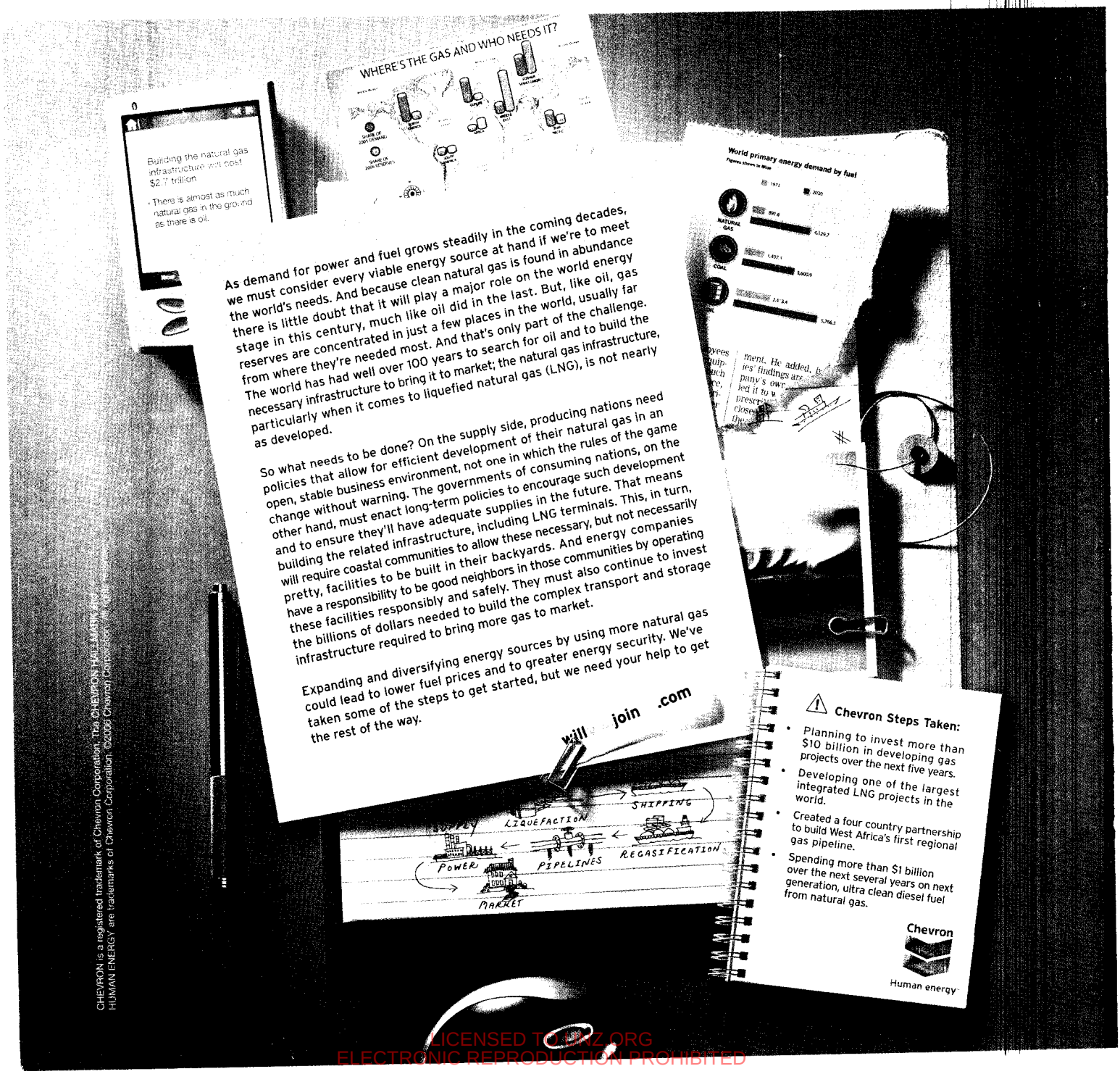
WHERE'S THE GAS AND WHO NEEDS IT?
Building the natural gas infrastructure will cost $2.7 trillion.
• There is almost as much natural gas in the ground as there is oil.
World primary energy demand by fuel
NATURAL GAS
COAL
As demand for power and fuel grows steadily in the coming decades, we must consider every viable energy source at hand if we're to meet the world's needs. And because clean natural gas is found in abundance there is little doubt that it will play a major role on the world energy stage in this century, much like oil did in the last. But, like oil, gas reserves are concentrated in just a few places in the world, usually far from where they're needed most. And that's only part of the challenge. The world has had well over 100 years to search for oil and to build the necessary infrastructure to bring it to market; the natural gas infrastructure, particularly when it comes to liquefied natural gas (LNG), is not nearly as developed.
So what needs to be done? On the supply side, producing nations need policies that allow for efficient development of their natural gas in an open, stable business environment, not one in which the rules of the game change without warning. The governments of consuming nations, on the other hand, must enact long-term policies to encourage such development and to ensure they'll have adequate supplies in the future. That means building the related infrastructure, including LNG terminals. This, in turn, will require coastal communities to allow these necessary, but not necessarily pretty, facilities to be built in their backyards. And energy companies have a responsibility to be good neighbors in those communities by operating these facilities responsibly and safely. They must also continue to invest the billions of dollars needed to build the complex transport and storage infrastructure required to bring more gas to market.
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